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LEGISLATIVE JOURNAL

OF THE

STATE OF NEBRASKA

Volume 1

NINETY-THIRD LEGISLATURE
SECOND SESSION

1994

Convened January 5, 1994 Adjourned April 15, 1994

LINCOLN, NEBRASKA

Compiled

Under the Authority of the Legislature

by

PATRICK J. O'DONNELL, CLERK

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LEGISLATURE

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RULES OF THE

NEBRASKA

UNICAMERAL

LEGISLATURE

Published by

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

Adopted February 11, 1993

RULES OF THE NEBRASKA UNICAMERAL

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RULE 1--OFFICERS AND EMPLOYEES

A. Election of Officers

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

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

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

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

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

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

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

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

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

(iv) During session, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of

the Legislature. The individual so selected shall serve for the balance of the original term.

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

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

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

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

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

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

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

B. Presiding Officer

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

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

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

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

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

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

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

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

Const. Art. III, Sec. 10.

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

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

Consent to enter chamber. Rule 2, Section 3.

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

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

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

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

Const. Art. III, Sec. 10.

C. Speaker

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

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

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

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

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

D. Clerk of the Legislature

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

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

Preprinting of bills. Rule 5, Section 3.

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

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

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

Sec. 18. Journal, Governor's Messages, Amendments. (a) The Clerk shall prepare a daily Journal of the proceedings of the Legislature, which shall be printed and placed each day upon the desks of the members, and

the presiding officer shall call in the regular order of business for corrections thereof. After corrections, if any are made, the Journal shall stand approved without motion.

Order of business. Rule 7, Section 1b.

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

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

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

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

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

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

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

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

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

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

RRS 50-115.

E. Other Offices

Sec. 20. Sergeant at Arms. (a) The Sergeant at Arms shall attend the Legislature during its sittings, to execute the commands of the Legislature from time to time, together with all such processes issued by authority

thereof as shall be directed to him or her by the presiding officer, and shall enforce strictly the rules as they relate to privileges of the legislative chamber.

RRS 50-116.

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

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

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

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

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

RRS 50-112.

RULE 2--RULES OF PROCEDURE

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

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

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

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

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

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

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

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

No registered lobbyist shall be admitted to the chamber.

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

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

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

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

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

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

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

(j) The smoking of any tobacco product by any member or any other individual within the Legislative Chamber is prohibited. The Senate Lounge (Room 2026) shall be a designated smoking area.

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

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

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

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

Const. Art. III, Sec. 10.

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

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

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

Sec. 9. Words Excepted To. If a member is called to order for words spoken in debate, the member calling him or her to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's

desk and read aloud to the Legislature, but he or she shall not be held to answer, nor be subject to the censure of the Legislature therefore, if further debate or other business shall have intervened.

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

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

RULE 3--COMMITTEES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Committee on Committees.

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

(d) Enrollment and Review.

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

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

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

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

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

(C) When an amendment to add the emergency clause, the severability clause, or provide an operative date is adopted on Select File which does not spell out the standard clause or section and make the necessary change in the title, the Chairperson of Enrollment and Review shall also have the authority to add to the

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

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

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

(e) Reference Committee.

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

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

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

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

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

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

(f) Rules Committee.

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

(g) Investigating Committees.

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

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

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

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

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

(i) Intergovernmental Cooperation Committee.

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

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

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

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

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

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

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

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

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

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

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

(b) A temporary appointment may be made by the Chairperson of the Committee on Committees, or in the case of the Appropriations Committee, the Executive Board, for only one day when requested by a chairperson of a standing committee which lacks a quorum. When a member is appointed from an eight-member committee, the consent of the member to be appointed shall first be obtained. The temporary appointee

shall have the right to vote only on the bill or bills that actually have been heard by the appointee and provided that the vote is taken on such bills on the day the bill or bills are heard. When such appointment is made in case of an incapacitated member, such appointee shall cease to be a member of such committee upon the return of the incapacitated member for whom he or she was appointed.

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

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

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

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

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

(b) All other meetings of a committee shall be public unless the committee, by a majority vote of all of its members, determines that a meeting should not be open to the public, including members of the news

media, in a particular instance, due to rare and extraordinary circumstances. The meeting shall be reconvened in open session before any formal action may be taken.

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

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

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

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

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

(1) the one-line title and number of the bill;
(2) a roll call vote of final committee action taken on the bill;
(3) the date of the public hearing on the bill;

(4) a list of all individuals testifying for and against the bill and any organization they represent;
(5) a summary of the bill's purpose and a description of all major provisions for change in the bill as written and as amended by the committee;
(6) if committee amendments are to be introduced, a copy of the amendments and an explanation thereof.

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

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

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

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

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

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

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

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

(A) Issuance of Subpoenas.

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

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

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

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

(B) Notice to Witnesses.

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

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

(C) Conduct of the Hearing.

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

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

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

(D) Right to Counsel and Submission of Questions.

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

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

(E) Testimony.

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

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

(iii) The presiding member at the hearing may direct a witness to answer any relevant question or furnish any relevant book, paper, or other document, the production of which has been required by subpoena duces

tecum. Unless the direction is overruled by a majority vote of the committee members present, disobedience shall constitute a contempt.

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

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

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

(F) Interested Persons.

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

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

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

(G) Contempt.

A person shall be in contempt if he or she:

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

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

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

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

(H) Penalties.

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

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

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

(I) Limitation of Rules.

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

RULE 4--RESOLUTIONS

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

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

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

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

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

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

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

conduct hearings and oversee matters and agencies that are within their subject matter jurisdiction.

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

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

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

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

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

RRS 50-404.

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

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

RRS 85-404, 85-408.

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

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

Const. Art. III, Sec. 14.

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

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

Sec. 10. Committee Statement. A committee, when reporting out a resolution, shall attach thereto a statement setting forth what is sought to

be accomplished and the committee vote. The statement shall be set out in full in the Journal.

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

RULE 5--BILLS--GENERAL PROVISIONS

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

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

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

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

Const. Art. III, Sec. 13.

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

(d) Appropriations bills and "A" bills shall contain the following elements:
(1) the phrase "there is hereby appropriated";
(2) a specific fund type shall be identified and the fund shall be appropriated;
(3) the amount to be appropriated from such fund shall be identified;
(4) a specific budget program or a specific statement reflecting the purpose for expending such funds shall be identified; and
(5) the time period during which such funds shall be expended shall be identified.

RRS 49-804.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Enrollment and Review or upon the written request of a member of the Legislature.

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

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

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

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

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

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

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

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

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

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

Const. Art. III, Sec. 14.

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

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

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

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

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

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

RULE 6--BILLS--STAGES OF CONSIDERATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GENERAL FILE

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

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

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

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

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

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

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

(e) A motion to postpone indefinitely.

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

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

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

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

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

SELECT FILE

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

Sec. 6. Return to Select File. On a motion to return a bill to Select File for a specific amendment, a majority of the elected members must concur.

No other amendment shall be considered when the bill is so returned. Such amendment when considered may be adopted by a majority of the elected members.

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

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

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

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

Const. Art. III, Sec. 14.

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

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

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

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

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

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

RULE 6

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

FINAL READING

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

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

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

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

Const. Art. III, Sec. 27.

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

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

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

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

Const. Art. IV, Sec. 15.

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

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

RRS 84-503.

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

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

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

shall first be permitted an opportunity to move that the entire bill become law notwithstanding the line-item veto therein.

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

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

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

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

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

RULE 7--PROCEEDINGS AND MOTIONS

(A) Order of Business

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

Const. Art. III, Sec. 10.

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

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

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

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

Introduction of bills. Rule 6, Section 1.

(B) Voting Machine

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

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

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

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

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

(C) Motions

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

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

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

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

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

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

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

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

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

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

(e) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision

of the Legislature. Once a division is ordered by the presiding officer, each component shall be treated as a separate and distinct proposition. Once a vote or change has occurred on any of the divisible questions, the remaining divided sections may not be withdrawn without a majority of those voting or without unanimous consent. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert. Such call for division shall not be allowed when considering motions under Rule 6, Section 6.

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

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

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

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

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

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

Sec. 5. Call of the House. A call of the house may be made by any member in the manner following: "I move for a call of the house." The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under call. If a majority of the

senators present and voting, vote in favor of such a motion, then the Legislature shall be deemed to be under call. Each member present shall indicate his or her presence upon the electric roll call system and shall remain in his or her seat during the call. After the Clerk shall note the names of the absentees, proceedings under the call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected.

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

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

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

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

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

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

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

ii Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading with the emergency clause attached, but which received the constitutional majority with the emergency clause stricken and the purpose of

the motion is to again add the emergency clause, then a two-thirds vote of the elected members shall be required for adoption.

iii Where such motion be to reconsider the vote on a motion to pass a bill notwithstanding the objections of the Governor or for override of a line-item veto, then a three-fifths vote shall be required for adoption.

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

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

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

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

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

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

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

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

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

Sec. 10. Cloture. At any stage of consideration the principal introducer of the bill under consideration, a co-introducer with the consent of the principal introducer, or the chairperson of the committee, if the bill is introduced by that committee, may move for a cloture to the presiding officer after eight hours of debate on the bill at that stage of consideration, except that the appropriation bills introduced by the Appropriations Committee shall be subject to a cloture motion after twelve hours of debate at that stage of consideration. The presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. A vote on such pending amendment or motion shall be taken immediately. Following the vote on such pending matter, a vote on the cloture motion shall be taken. A two-thirds majority of the elected members shall be required for the cloture motion to be successful. A motion for cloture shall be in order except while a member is speaking, and a motion for cloture is not debatable. If the motion for cloture is successful, a vote on the advancement of the bill shall be taken, without debate, immediately following the vote on cloture.

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

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

RULE 8--APPROPRIATIONS PROCESS

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

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

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

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

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

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

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

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

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

RULE 9--SPECIAL SESSIONS

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

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

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

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

Sec. 5. Report of Bill or Resolution to Legislature. The committee to which a bill or resolution has been referred shall make a report on the bill or resolution to the Legislature within twenty-four hours after the

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

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

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

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

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

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LEGISLATION

Bill Titles, Resolutions, and Subject and Section Indexes Introduced in the Ninety-Third Legislature, First Session, 1993 and Pending Before the Ninety-Third Legislature, Second Session, 1994

January 5, 1994

STATUS OF CARRYOVER

BILLS

AND

RESOLUTIONS

Introduced in the Ninety-Third Legislature, First Session, 1993 and pending before the Ninety-Third Legislature, Second Session, 1994

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LEGISLATIVE BILL 21. Introduced by Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.01 and 77-2701.02, Reissue Revised Statutes of Nebraska, 1943; to change the sales and use tax and income tax rates; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 28. Introduced by Hohenstein, 17; Bernard-Stevens, 42; Schmitt, 41.

A BILL FOR AN ACT relating to the powers of officers; to amend sections 49-801, 60-1301, and 81-2005, Reissue Revised Statutes of Nebraska, 1943, and sections 39-6,192, 60-1303, 60-1306, and 83-1011, Revised Statutes Supplement, 1992; to provide powers and duties; to redefine terms; to eliminate a penalty for resisting arrest; to harmonize provisions; and to repeal the original sections, and also section 60-1309, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 32. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 81-1835 and 83-183, Reissue Revised Statutes of Nebraska, 1943; to change and eliminate provisions relating to wages and other money committed to the Department of Correctional Services; to harmonize provisions; and to repeal the original sections, and also section 83-183.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 37. Introduced by Moore, 24; Robak, 22; McKenzie, 34.

A BILL FOR AN ACT relating to fertilizer; to eliminate a fee on commercial fertilizer; to repeal section 77-4401, Revised Statutes Supplement, 1992, as amended by section 41, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992; and to declare an emergency.

LEGISLATIVE BILL 51. Introduced by Hohenstein, 17.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-2818, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to limitations on proceedings against trustees; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 55. Introduced by Schellpeper, 18; Hohenstein, 17; Robak, 22.

A BILL FOR AN ACT relating to redistricting; to define terms; to provide procedures for drawing legislative and congressional district boundaries; to create an advisory commission; and to provide powers and duties.

LEGISLATIVE BILL 61. Introduced by Schimek, 27; Rasmussen, 20.

A BILL FOR AN ACT relating to employment practices; to prohibit an employer from discriminating in hiring or dismissal as prescribed; to provide for remedies; and to provide exceptions.

LEGISLATIVE BILL 64. Introduced by Elmer, 38.

A BILL FOR AN ACT relating to criminal procedure; to authorize the Supreme Court to award costs in certain criminal prosecutions when a statute or ordinance is found unconstitutional as prescribed.

LEGISLATIVE BILL 65. Introduced by Elmer, 38.

A BILL FOR AN ACT relating to political subdivisions; to amend section 28-522, Reissue Revised Statutes of Nebraska, 1943; to provide for entry upon property as prescribed; to provide for damages; to provide an affirmative defense to criminal trespass; and to repeal the original section.

LEGISLATIVE BILL 72. Introduced by Baack, 47, at the request of the Governor.

A BILL FOR AN ACT relating to low-level radioactive waste; to amend sections 71-3508.02 and 81-15,102, Reissue Revised Statutes of Nebraska, 1943; to eliminate provisions relating to the acceptance or acquisition of radioactive waste by the state; and to repeal the original sections.

LEGISLATIVE BILL 73. Introduced by Withem, 14.

A BILL FOR AN ACT relating to fire prevention; to adopt the Fire Suppression Systems Act; and to provide an operative date.

LEGISLATIVE BILL 75. Introduced by Withem, 14.

A BILL FOR AN ACT relating to libraries; to amend section 51-212, Revised Statutes Supplement, 1992; to provide for the free use of certain libraries by students as prescribed; and to repeal the original section.

LEGISLATIVE BILL 76. Introduced by Withem, 14; Baack, 47; Schimek, 27.

A BILL FOR AN ACT relating to elections; to amend sections 2-945.01, 2-953, 2-2435, 2-2437, 2-2447, 2-3213 to 2-3215, 3-502, 3-611, 3-701, 3-703, 10-702, 11-125, 14-201, 14-201.03, 14-204 to 14-208, 14-217.02, 15-249, 15-301, 15-302, 16-103, 16-104, 16-217, 16-302.01, 16-305, 16-306, 16-311, 17-103, 17-104, 17-107, 17-108.02, 17-202, 17-203, 17-311, 17-312, 17-601.01 to 17-603, 18-2514, 18-2516, 18-2517, 18-2521, 18-2525, 18-2530, 18-2536, 19-402, 19-404 to 19-407, 19-409, 19-411, 19-415, 19-421, 19-423, 19-433, 19-612, 19-613, 19-613.01, 19-3002, 19-3005, 19-3019, 19-3023, 19-3025, 19-3026, 19-3029, 19-3030, 19-3034, 19-3040, 19-3041, 19-3050, 19-3051, 22-202, 23-148, 23-150, 23-151, 23-204, 23-222, 23-268, 23-269, 23-1502, 23-1901, 23-3301, 23-3401, 23-3534, 23-3557, 23-3575, 24-814, 24-815, 24-818, 31-735.03, 39-1606, 43-2,112, 43-2,127, 46-112, 46-530, 46-534, 49-202, 49-204, 49-206 to 49-210, 49-214, 49-215, 49-218, 49-219, 49-222, 49-228, 49-237, 49-238, 49-1419, 51-202, 70-604.03, 70-604.04, 70-604.08, 70-605, 70-606, 70-610, 70-611, 70-615, 75-101, 79-323, 79-324, 79-426.15,

79-426.25, 79-439.01, 79-462, 79-522, 79-601.01, 79-803.03, 79-803.11, 79-902.01, 79-1003, 79-1109, 79-2646, and 81-1632, Reissue Revised Statutes of Nebraska, 1943, and sections 2-2434, 2-3225, 10-703.01, 14-2102, 14-2103, 18-2528, 23-3201, 29-3913, 49-1461, 53-122, 70-619, 70-624.04, 77-370.01, 79-322, 79-426.05, 79-426.19, 79-701, 79-802, 79-1103, 79-2203, 79-2647, 79-3820, and 85-103, Revised Statutes Supplement, 1992; to adopt the Election Act; to change and eliminate provisions relating to elections in political subdivisions; to change, eliminate, and provide penalties; to repeal general provisions found in Chapter 32 relating to elections; to harmonize provisions; and to repeal the original sections, and also sections 3-704, 14-201.04, 15-313, 16-307, 16-315, 17-107.02, 17-115, 17-203.01, 17-221, 19-408, 19-410, 19-425, 19-614, 19-621, 19-623, 19-624, 19-627, 23-152, 23-157, 23-3208, 23-3309, 23-3537, 32-101 to 32-114, 32-116, 32-117, 32-119 to 32-121, 32-201 to 32-205, 32-207 to 32-211, 32-214 to 32-231.01, 32-231.08 to 32-232, 32-264, 32-265, 32-301, 32-304, 32-304.01, 32-305, 32-309, 32-312, 32-315, 32-316, 32-402.01, 32-404 to 32-419, 32-420.01, 32-420.02, 32-422.01, 32-426, 32-428, 32-428.03, 32-428.04, 32-428.07 to 32-430.01, 32-432 to 32-438, 32-439 to 32-444, 32-445.01, 32-448, 32-450.01, 32-452, 32-454, 32-455, 32-457, 32-458, 32-460, 32-461, 32-463, 32-465 to 32-471, 32-473 to 32-478, 32-479.01 to 32-482, 32-490, 32-491, 32-492.01 to 32-493.01, 32-499, 32-499.01, 32-4,102, 32-4,105, 32-4,107, 32-4,108, 32-4,110 to 32-4,112, 32-4,115 to 32-4,125, 32-4,127, 32-4,129, 32-4,130, 32-4,133, 32-4,135 to 32-4,147, 32-4,149, 32-4,151, 32-4,153, 32-4,154, 32-4,156 to 32-4,158, 32-501, 32-502, 32-504, 32-504.01, 32-505 to 32-512, 32-513.01 to 32-516, 32-519 to 32-522, 32-524 to 32-526.02, 32-528 to 32-530.01, 32-532, 32-534, 32-535, 32-542, 32-542.02, 32-542.03, 32-545 to 32-547, 32-549 to 32-552, 32-558, 32-560 to 32-562, 32-601, 32-703, 32-703.01, 32-704.01, 32-705.01, 32-707.01 to 32-708, 32-710, 32-711, 32-713 to 32-715, 32-827 to 32-834, 32-836 to 32-844, 32-846 to 32-853, 32-1001, 32-1001.03 to 32-1001.05, 32-1001.17 to 32-1001.22, 32-1001.24 to 32-1001.28, 32-1001.32 to 32-1002, 32-1038, 32-1042 to 32-1056, 32-1201 to 32-1240, 32-1301.01 to 32-1310, 32-1312 to 32-1314, 46-531, 46-532, 46-533, 70-614, 79-464, 79-465, 79-540, 79-550.01, 79-706, 79-803.08 to 79-803.10, 79-803.12, 79-1003.03, 79-2202.01, and 79-2646.01, Reissue Revised Statutes of Nebraska, 1943, and sections 23-222.01, 32-210.01, 32-212, 32-303, 32-307, 32-308, 32-310, 32-403, 32-421.01, 32-424, 32-425, 32-428.05, 32-428.06, 32-450, 32-451, 32-456, 32-464, 32-485, 32-4,101, 32-4,103, 32-4,104, 32-4,113, 32-4,114, 32-4,132, 32-4,150, 32-4,152, 32-4,155, 32-4,159, 32-503.01, 32-513, 32-517, 32-537, 32-548, 32-556, 32-702, 32-704, 32-704.02, 32-705, 32-706, 32-707, 32-709, 32-712, 32-835, 32-845, 32-1001.06 to 32-1001.10, 32-1001.23, 32-1001.29 to 32-1001.31, 32-1037, 32-1039, 32-1040, 32-1057 to 32-1059, 32-1401 to 32-1409, 32-1501 to 32-1503, 79-803.07, and 79-2665, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 77. Introduced by Schimek, 27; Crosby, 29; McKenzie, 34.

A BILL FOR AN ACT relating to liquor; to amend section 53-186, Reissue Revised Statutes of Nebraska, 1943; to change provisions regulating the consumption of alcoholic liquor on public property and the issuance of licenses; and to repeal the original section.

LEGISLATIVE BILL 79. Introduced by Bernard-Stevens, 42; Elmer, 38.

A BILL FOR AN ACT relating to the Industrial Ground Water Regulatory Act; to amend section 46-677, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 80. Introduced by Crosby, 29; Hudkins, 21; Schmitt, 41; Vrtiska, 1; Witek, 31; Preister, 5; Wehrbein, 2; Hohenstein, 17; Warner, 25; Bromm, 23; Jones, 43.

A BILL FOR AN ACT relating to operating a boat or car while intoxicated; to amend sections 37-1254.01, 37-1254.02, 37-1254.05, 37-1254.06, 37-1254.08, 39-669.07, and 39-669.26, Revised Statutes Supplement, 1992; to change the prohibited concentration of alcohol; to change provisions relating to blood tests under the State Boat Act; to change provisions prohibiting operation of a motorboat; to change provisions relating to enhancement of penalties for driving a motor vehicle when under the influence of alcohol or any drug; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 82. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to vehicular pursuit; to amend sections 13-911 and 29-211, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,215.01, Revised Statutes Supplement, 1992; to change provisions relating to liability for and procedures of vehicular pursuit; and to repeal the original sections.

LEGISLATIVE BILL 85. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to the Civil Service Act; to amend sections 19-1826 to 19-1828, Reissue Revised Statutes of Nebraska, 1943; to change applicability of the act; to define and redefine terms; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 94. Introduced by Withem, 14.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-3805, Revised Statutes Supplement, 1992; to change provisions relating to calculation of tiered cost per student; and to repeal the original section.

LEGISLATIVE BILL 94A. Introduced by Withem, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 94, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

LEGISLATIVE BILL 95. Introduced by Withem, 14.

A BILL FOR AN ACT relating to appropriations; to state intent; and to appropriate funds for geographic education.

LEGISLATIVE BILL 96. Introduced by Withem, 14.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 17-601.01, 17-601.02, 79-464, 79-803.03, 79-803.08, 79-803.09,

79-902.01, and 79-1003, Reissue Revised Statutes of Nebraska, 1943, and sections 79-601, 79-803.07, and 79-1103, Revised Statutes Supplement, 1992; to change and eliminate provisions relating to caucuses and primary elections; to provide for an election to establish nominations by caucus; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 98A. Introduced by Withem, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 98, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 99. Introduced by Withem, 14.

A BILL FOR AN ACT relating to the Professional Practices Commission; to amend sections 79-1281, 79-1281.01, and 79-1286, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1247.07 and 79-1282 to 79-1285, Revised Statutes Supplement, 1992; to change provisions relating to the commission; to define terms; to eliminate the position of executive director; to provide for a clerk, for hearing panels, for legal counsel, and for transcription of testimony; to provide and change duties for the commission, the Commissioner of Education, the State Board of Education, and the State Department of Education; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 100. Introduced by Byars, 30; Beutler, 28.

A BILL FOR AN ACT relating to schools; to amend sections 79-201 and 79-2011, Reissue Revised Statutes of Nebraska, 1943, and section 79-1415, Revised Statutes Supplement, 1992; to change the age of compulsory education; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 102. Introduced by Schellpeper, 18; Hartnett, 45; Hohenstein, 17.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1201, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to membership on the State Racing Commission; to state intent; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 120. Introduced by Pirsch, 10; Will, 8.

A BILL FOR AN ACT relating to childhood sexual abuse; to amend sections 25-212 and 25-213, Reissue Revised Statutes of Nebraska, 1943; to establish a statute of limitations for civil actions based on childhood sexual abuse; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 123. Introduced by Byars, 30; Lynch, 13.

A BILL FOR AN ACT relating to watercraft; to amend sections 37-1204 and 37-1217, Reissue Revised Statutes of Nebraska, 1943, and section 77-2703, Revised Statutes Supplement, 1992, as amended by section 26, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992; to adopt the Watercraft Title Act; to change provisions relating to fees; to provide for tax situs; to define and redefine terms; to change provisions relating to the

payment of sales tax; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 125. Introduced by Elmer, 38; Coordsen, 32; Cudaback, 36; Dierks, 40; Haberman, 44; Hartnett, 45; Hillman, 48; Hohenstein, 17; Horgan, 4; Lynch, 13; McKenzie, 34; Moore, 24; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-530, 37-532, and 37-533, Reissue Revised Statutes of Nebraska, 1943, and section 37-102, Revised Statutes Supplement, 1992; to prohibit interference with a person engaged in hunting, trapping, or fishing as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 132. Introduced by Will, 8; Wickersham, 49.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-101, Revised Statutes Supplement, 1992; to redefine terms; and to repeal the original section.

LEGISLATIVE BILL 135. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to health; to require inspections of tattoo establishments as prescribed.

LEGISLATIVE BILL 137. Introduced by Will, 8; Abboud, 12; Hillman, 48; Lindsay, 9; Schellpeper, 18.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-224, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the commencement and limitation of product liability actions; and to repeal the original section.

LEGISLATIVE BILL 140. Introduced by Bernard-Stevens, 42; Wickersham, 49.

A BILL FOR AN ACT relating to railroads; to amend section 74-915, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to health and safety rules and regulations; to provide a termination date; and to repeal the original section.

LEGISLATIVE BILL 140A. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 140, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 144. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-15,124, Revised Statutes Supplement 1992; to provide notice by the Department of Environmental Control for remedial action plans as prescribed; and to repeal the original section.

LEGISLATIVE BILL 147. Introduced by Dierks, 40; Crosby, 29; Hillman, 48; Horgan, 4; Preister, 5.

A BILL FOR AN ACT relating to dogs and cats; to amend section 54-857, Reissue Revised Statutes of Nebraska, 1943, and section 54-856, Revised Statutes Supplement, 1992; to adopt the Commercial Dog and Cat Operator Inspection Act; to provide additional fees on pet food; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 148. Introduced by Dierks, 40; Preister, 5.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-15,102, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to radioactive waste disposal sites; and to repeal the original section.

LEGISLATIVE BILL 149. Introduced by Dierks, 40; Preister, 5.

A BILL FOR AN ACT relating to the Low-Level Radioactive Waste Disposal Act; to amend section 81-1578, Revised Statutes Supplement, 1992; to restrict the issuance and provide for the revocation of a license as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 150. Introduced by Dierks, 40; Hohenstein, 17; Schellpeper, 18; Wesely, 26.

A BILL FOR AN ACT relating to state funds; to amend section 72-1269, Reissue Revised Statutes of Nebraska, 1943, and section 72-1243, Revised Statutes Supplement, 1992; to authorize the State Treasurer to deposit funds in lending institutions for small business loans; to state intent; to define terms; to provide requirements for the deposits and loans; to provide a duty for the state investment officer; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 153. Introduced by Dierks, 40; Jones, 43.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 39-6,100 and 39-6,177, Revised Statutes Supplement, 1992; to change a fee; to require a permit for certain width livestock forage vehicles using the highways as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 156. Introduced by Dierks, 40; Horgan, 4; Lindsay, 9; Witek, 31; Jones, 43.

A BILL FOR AN ACT relating to abortion; to prohibit certain acts by public employees relating to abortions; to prohibit the use of public facilities and funds for certain purposes as prescribed; to define terms; and to provide for enforcement.

LEGISLATIVE BILL 160. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to child support; to amend sections 42-368, 43-512.12, 43-512.14, 43-512.15, and 43-512.17, Revised Statutes Supplement, 1992; to change provisions relating to review and modification of child support orders as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 165. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-465, Revised Statutes Supplement, 1992; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 166. Introduced by Wehrbein, 2; Witek, 31.

A BILL FOR AN ACT relating to elections; to amend sections 32-4,104, 32-548, and 32-556, Revised Statutes Supplement, 1992; to change provisions relating to the selection of presidential electors; to eliminate a requirement on casting votes; and to repeal the original sections.

LEGISLATIVE BILL 167. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to smoking; to amend sections 71-5701 to 71-5703, 71-5709, and 71-5710, Reissue Revised Statutes of Nebraska, 1943, section 81-638, Revised Statutes Supplement, 1992, and section 77-2602, Revised Statutes Supplement, 1992, as amended by section 1, Legislative Bill 9, Ninety-second Legislature, Third Special Session, 1992, and section 1, Legislative Bill 11, Ninety-second Legislature, Third Special Session, 1992; to state findings; to require the Department of Health to develop materials as prescribed; to create a fund; to provide for disbursement of money in the fund; to provide a penalty under the Nebraska Clean Indoor Air Act; to eliminate a provision for waiver of requirements of the act; to eliminate authority for an injunction action as prescribed; to increase the cigarette tax; to harmonize provisions; to provide an operative date; to repeal the original sections, and also sections 71-5711 and 71-5713, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 169. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to elections; to amend sections 32-216 and 32-224.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the distribution of lists of registered voters; to provide fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 172. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to flood control; to amend section 2-3202, Reissue Revised Statutes of Nebraska, 1943; to authorize natural resources districts to adopt flood control improvement corridor maps; to require building permits within the corridors; to state intent; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 173. Introduced by Robak, 22; Crosby, 29; Hartnett, 45; Hillman, 48; Schimek, 27.

A BILL FOR AN ACT relating to rules of the road; to amend sections 39-602, 39-669.26, and 39-6,122, Revised Statutes Supplement, 1992; to define a term; to authorize school crossing zones; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 181. Introduced by Ashford, 6; Pedersen, 39.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 79-4,174 and 79-4,175, Reissue Revised Statutes of Nebraska, 1943, and section 79-4,180, Revised Statutes Supplement, 1992; to change provisions relating to student discipline; to provide for additional means of giving notice; to authorize student discipline for certain off-campus student conduct as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 185. Introduced by Beutler, 28; Avery, 3; Bromm, 23; Jones, 43; Wickersham, 49.

A BILL FOR AN ACT relating to administrative procedure; to amend sections 84-901 and 84-914, Reissue Revised Statutes of Nebraska, 1943; to define a term; to provide provisions relating to ex parte communications; and to repeal the original sections.

LEGISLATIVE BILL 186. Introduced by Schimek, 27; Hillman, 48; McKenzie, 34; Rasmussen, 20; Robinson, 16; Withem, 14.

A BILL FOR AN ACT relating to education; to amend sections 79-201.01 to 79-201.05, Reissue Revised Statutes of Nebraska, 1943; to change and eliminate provisions relating to year-round operation of public schools; and to repeal the original sections, and also sections 79-201.06 to 79-201.08, Reissue Revised Statutes of Nebraska, 1943, and section 79-201.09, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 188. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to real estate; to amend section 76-2,110, Reissue Revised Statutes of Nebraska, 1943; to limit actions to cancel or invalidate conveyances subdividing real estate as prescribed; and to repeal the original section.

LEGISLATIVE BILL 196. Introduced by Robak, 22; Hillman, 48.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-6,106.01, 60-462, 60-480, 60-4,107, 60-4,112, and 60-4,124 to 60-4,126, Revised Statutes Supplement, 1992; to provide for a medical hardship permit; to provide a fee and a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 197. Introduced by Byars, 30.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-484 and 60-4,181, Revised Statutes Supplement, 1992; to change provisions relating to forms of identification; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 202. Introduced by Landis, 46.

A BILL FOR AN ACT relating to marriage; to amend section 30-2316, Reissue Revised Statutes of Nebraska, 1943; to adopt the Uniform Premarital Agreement Act; to provide severability; to provide when the act takes effect; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 204. Introduced by Schmitt, 41; Robak, 22.

A BILL FOR AN ACT relating to labor; to amend section 48-212, Reissue Revised Statutes of Nebraska, 1943; to provide for lunch time for employees of retail establishments; and to repeal the original section.

LEGISLATIVE BILL 206. Introduced by Horgan, 4; Pedersen, 39.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 39-6,122, Revised Statutes Supplement, 1992; to prohibit open containers of alcoholic liquor in motor vehicles; to provide exceptions; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 211. Introduced by Hillman, 48; Horgan, 4; Wesely, 26; Ashford, 6.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-462, 60-4,105, 60-4,112, 60-4,114, 60-4,118, and 60-4,146, Revised Statutes Supplement, 1992; to state intent; to create the Health Advisory Board; to provide powers and duties; to change provisions relating to issuance and cancellation of operators' licenses; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 211A. Introduced by Hillman, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 211, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 212. Introduced by Hillman, 48; Baack, 47.

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

LEGISLATIVE BILL 213. Introduced by Cudaback, 36; Bromm, 23; Horgan, 4.

A BILL FOR AN ACT relating to counties; to adopt the County Initiative and Referendum Act.

LEGISLATIVE BILL 219. Introduced by Landis, 46.

A BILL FOR AN ACT relating to interest rates and loans; to amend sections 45-137, 45-138, and 45-351, Reissue Revised Statutes of Nebraska, 1943, and section 45-101.04, Revised Statutes Supplement, 1992; to exempt loans secured by real estate from the limitation on the rate of interest as prescribed; to provide for origination fees on such loans; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 221. Introduced by Lindsay, 9; Ashford, 6; Lynch, 13; Will, 8.

A BILL FOR AN ACT relating to highways and bridges; to amend section 39-2507, Reissue Revised Statutes of Nebraska, 1943; to change allocations of funds for roads in counties; and to repeal the original section.

LEGISLATIVE BILL 223. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to insurance; to amend section 44-3,131, Reissue Revised Statutes of Nebraska, 1943; to require infertility coverage as prescribed; to define terms; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 227. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to Nebraska Rules of the Road; to amend sections 39-653, 39-6,139, and 39-6,141, Reissue Revised Statutes of Nebraska, 1943; to change lighting provisions as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 232. Introduced by Cudaback, 36; Bromm, 23.

A BILL FOR AN ACT relating to redistricting; to define terms; to provide procedures for drawing legislative and congressional district boundaries; to create an advisory commission; and to provide powers and duties.

LEGISLATIVE BILL 233. Introduced by Kristensen, 37; Witek, 31; Jones, 43.

A BILL FOR AN ACT relating to elections; to amend sections 32-4,104, 32-548, and 32-556, Revised Statutes Supplement, 1992; to change provisions relating to the selection of presidential electors; to eliminate a requirement on casting votes; and to repeal the original sections.

LEGISLATIVE BILL 238. Introduced by Hillman, 48; Byars, 30; Dierks, 40; Pedersen, 39; Robak, 22; Schmitt, 41.

A BILL FOR AN ACT relating to rules of the road; to amend sections 39-602 and 39-6,134, Revised Statutes Supplement, 1992; to change safety requirements relating to trailers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 241. Introduced by Landis, 46; Crosby, 29; Lynch, 13; Wehrbein, 2; Coordsen, 32; Pedersen, 39; Will, 7; Fisher, 35; Bromm, 23; Preister, 5; Hall, 7; Horgan, 4; Vrtiska, 1; Beutler, 28; Wickersham, 49; Hillman, 48; Bernard-Stevens, 42; Hohenstein, 17; Robinson, 16; Robak, 22; Hudkins, 21; Schellpeper, 18; Jones, 43; Rasmussen, 20; Schimek, 27; Elmer, 38; Ashford, 6; Avery, 3.

A BILL FOR AN ACT relating to veterans aid; to amend section 80-401.01, Revised Statutes Supplement, 1992; to change provisions relating to recognized veterans organizations; and to repeal the original section.

LEGISLATIVE BILL 242. Introduced by Schimek, 27; Bohlke, 33; Crosby, 29; Hillman, 48; Horgan, 4; Rasmussen, 20; Robak, 22; Wickersham, 49.

A BILL FOR AN ACT relating to employment practices; to amend sections 48-1104 and 48-1125, Reissue Revised Statutes of Nebraska, 1943, and section 48-1102, Revised Statutes Supplement, 1992; to define sexual harassment; to provide an unlawful employment practice; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 245. Introduced by Wickersham, 49; Byars, 30; Crosby, 29; Pirsch, 10.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-101 and 37-102, Revised Statutes Supplement, 1992; to define a term; to change provisions relating to hunting permits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 248. Introduced by Lynch, 13; Hartnett, 45; Will, 8; Withem, 14.

A BILL FOR AN ACT relating to labor; to provide for the registration of contractors; to define terms; to provide powers and duties for the Commissioner of Labor; and to provide a penalty.

LEGISLATIVE BILL 248A. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 248, Ninety-third Legislature, First Session, 1993; and to provide for a transfer of funds.

LEGISLATIVE BILL 249. Introduced by Landis, 46; Crosby, 29; Horgan, 4; Wesely, 26.

A BILL FOR AN ACT relating to state personnel; to amend sections 81-8,245, 81-1348, and 81-1350, Reissue Revised Statutes of Nebraska, 1943, and section 81-1318.01, Reissue Revised Statutes of Nebraska, 1943, as amended by section 19, Legislative Bill 14, Ninety-second Legislature, Third Special Session, 1992; to adopt the State Government Effectiveness Act; to harmonize provisions; to increase the membership of and to change provisions relating to the Suggestion Award Board as prescribed; to change the amount of the award granted under the suggestion system as prescribed; to provide for a report as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 249A. Introduced by Landis, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 249, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 252. Introduced by Vrtiska, 1; Schimek, 27.

A BILL FOR AN ACT relating to Small Claims Court; to amend sections 25-2805 and 25-2806, Reissue Revised Statutes of Nebraska, 1943; to restrict transfer of cases; to authorize the award of attorney's fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 254. Introduced by Kristensen, 37; Wickersham, 49.

A BILL FOR AN ACT relating to warrant and arrest; to amend section 29-401, Reissue Revised Statutes of Nebraska, 1943, and section 60-489, Revised Statutes Supplement, 1992; to provide for the arrest and detention of an offender in any other jurisdiction in this state by a law enforcement officer in a fresh attempt to apprehend; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 260. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to jails; to provide for the responsibility for certain medical services provided for a person who is arrested, detained, taken into custody, or incarcerated; and to declare an emergency.

LEGISLATIVE BILL 262. Introduced by Abboud, 12; Lindsay, 9.

A BILL FOR AN ACT relating to tort claims; to amend section 13-907, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,214, Revised Statutes Supplement, 1992; to change when a civil suit is permitted; to eliminate provisions which provide for no jury; to eliminate filing requirements, limitation of action provisions, and recovery limitation in the Political Subdivisions Tort Claims Act; to eliminate a filing and a limitation of action provision in the State Tort Claims Act; and to repeal the original sections, and also sections 13-905, 13-906, 13-919 to 13-922, Reissue Revised Statutes of Nebraska, 1943, and sections 81-8,213 and 81-8,227, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 263. Introduced by Withem, 14.

A BILL FOR AN ACT relating to community colleges; to amend sections 85-927 and 85-964, Reissue Revised Statutes of Nebraska, 1943, and sections 85-952 and 85-962, Revised Statutes Supplement, 1992; to redefine a term; to change provisions relating to role and mission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 264. Introduced by Withem, 14.

A BILL FOR AN ACT relating to research; to state intent; to create the Nebraska Research Initiative Commission; to provide for targeting and evaluation of research initiatives at the University of Nebraska; and to require reports.

LEGISLATIVE BILL 275. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to telecommunications; to amend sections 87-302, 87-303.08, and 87-303.11, Revised Statutes Supplement, 1992; to regulate activities involving automatic dialing-announcing devices and facsimile and similar machines; to define terms; to provide penalties; to provide powers and duties for the Public Service Commission; to eliminate provisions relating to such devices and machines; to harmonize provisions; and to repeal the original sections, and also sections 87-307 to 87-312, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 276. Introduced by Pirsch, 10; Hohenstein, 17; Lindsay, 9; Witek, 31.

A BILL FOR AN ACT relating to correctional services; to amend section 83-183.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to deposit of inmate wages in the Victim's Compensation Fund; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 277. Introduced by Pirsch, 10; Hohenstein, 17; Lindsay, 9; Witek, 31.

A BILL FOR AN ACT relating to parolee supervision; to amend sections 29-2246, 83-1,102, 83-1,103, and 83-1,116, Reissue Revised Statutes of Nebraska, 1943; to provide for a parole supervision fee to be paid by parolees; to eliminate duties of parole officers and references to probation in parole statutes; to harmonize provisions; and to repeal the original sections, and also section 83-1,104, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 277A. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 277, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 281. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to military personnel; to amend section 80-901, Reissue Revised Statutes of Nebraska, 1943; to phase out the tuition credit for members of the Nebraska-based unit of the Active Selective Reserve of the armed forces; and to repeal the original section.

LEGISLATIVE BILL 285. Introduced by Hall, 7.

A BILL FOR AN ACT relating to employment security; to amend section 48-624, Revised Statutes Supplement, 1992; to change the weekly payment benefits amount; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 286. Introduced by Hall, 7.

A BILL FOR AN ACT relating to employment security; to amend section 48-624, Revised Statutes Supplement, 1992; to change the weekly benefit amount; and to repeal the original section.

LEGISLATIVE BILL 287. Introduced by Hall, 7.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-179, Revised Statutes Supplement, 1992; to change provisions relating to the hours for sale of liquor; and to repeal the original section.

LEGISLATIVE BILL 290. Introduced by Coordsen, 32; Ashford, 6; Byars, 30; Lynch, 13.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-303, Reissue Revised Statutes of Nebraska, 1943, and section 77-202, Revised Statutes Supplement, 1992; to establish a fee on the gross receipts of rental transactions; to exempt rental vehicles from taxation; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 291. Introduced by Robak, 22; Bernard-Stevens, 42; Bohlke, 33; Byars, 30; Moore, 24; Wesely, 26.

A BILL FOR AN ACT relating to the Nebraska Comprehensive Community Mental Health Services Act; to amend sections 71-5003 and 71-5008, Reissue Revised Statutes of Nebraska, 1943; to create and provide duties for the State Mental Health Planning and Evaluation Council; to eliminate the State Mental Health Advisory Committee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 291A. Introduced by Robak, 22.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 291, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 296. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to the Public Employee Retirement Board; to amend section 84-1501, Revised Statutes Supplement, 1992; to change the membership of the board as prescribed; and to repeal the original section.

LEGISLATIVE BILL 303. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-4,141.01, Revised Statutes Supplement, 1992; to change provisions relating to financial examinations for Class I school districts; and to repeal the original section.

LEGISLATIVE BILL 308. Introduced by Hohenstein, 17; Witek, 31; Pedersen, 39.

A BILL FOR AN ACT relating to child support; to amend section 42-358.02, Revised Statutes Supplement, 1992; to provide for publication of persons in arrears as provided; and to repeal the original section.

LEGISLATIVE BILL 309. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-480, 60-484, 60-4,107, 60-4,114, 60-4,118, and 60-4,127, Revised Statutes Supplement, 1992; to provide for a urine test for alcohol or illegal drugs for certain applicants for a motor vehicle operator's license or a Class M license as prescribed; to change provisions relating to revocation; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 312. Introduced by Warner, 25.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Reissue Revised Statutes of Nebraska, 1943; to provide confidentiality for certain records relating to donors and relating to possible sites of archaeological significance as prescribed; and to repeal the original section.

LEGISLATIVE BILL 313. Introduced by Warner, 25.

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

LEGISLATIVE BILL 314. Introduced by Warner, 25; Beutler, 28; Bohlke, 33; Crosby, 29; Lynch, 13; Schimek, 27.

A BILL FOR AN ACT relating to fees; to amend section 33-151, Reissue Revised Statutes of Nebraska, 1943, and section 33-150, Revised Statutes Supplement, 1992; to change the percentage amount of certain fees credited to the General Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 317. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to public transportation; to amend section 13-1211, Reissue Revised Statutes of Nebraska, 1943; to provide for reduced bus fare for low-income persons; to define a term; and to repeal the original section.

LEGISLATIVE BILL 320. Introduced by Warner, 25; Robinson, 16.

A BILL FOR AN ACT relating to schools; to amend sections 77-2701.01, 77-2701.02, 77-2715.01, 77-2734.02, 77-27,132, and 79-3332, Reissue Revised Statutes of Nebraska, 1943, and sections 79-447 and 79-448, Revised Statutes Supplement, 1992; to create the School Aid Fund; to provide that a portion of income tax receipts and of sales and use tax receipts be credited to the School Aid Fund; to provide for the use of the fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 320A. Introduced by Warner, 25.

A BILL FOR AN ACT relating to appropriations; to amend sections 36, 42, and 97, Legislative Bill 541, Ninety-third Legislature, First Session, 1993; to appropriate funds to aid in carrying out the provisions of Legislative Bill 320, Ninety-third Legislature, First Session, 1993; and to repeal the original sections.

LEGISLATIVE BILL 322. Introduced by Appropriations Committee: Moore, 24, Chairperson, Ashford, 6, Crosby, 29, Hillman, 48, Hohenstein, 17, Lynch, 13, Wehrbein, 2, at the request of the Governor.

A BILL FOR AN ACT relating to bidding; to amend sections 81-145, 81-153, 81-154, 81-159, 81-161, 81-161.03, 81-161.05, 81-162, 81-1118, and 81-1118.03, Revised Statutes Supplement, 1992; to require bidding for services purchased by the state; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 322A. Introduced by Moore, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 322, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 324. Introduced by Withem, 14.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-985, 85-987, 85-991, and 85-993, Reissue Revised Statutes of Nebraska, 1943, and sections 85-980.01, 85-982, 85-993.01, 85-994, 85-995, 85-999, 85-9,101, 85-9,117, 85-9,119, 85-9,121, 85-9,123, 85-9,130, 85-9,131, 85-9,140, 85-9,142, 85-9,143, 85-9,146, 85-9,148, 85-9,149, 85-9,151 to 85-9,153, 85-9,158, and 85-9,160, Revised Statutes Supplement, 1992; to define, redefine, and eliminate terms; to change provisions of the State Scholarship Award Program Act, the Scholarship Assistance Program Act, and the Postsecondary Education Award Program Act to reconcile such acts with federal law; to provide, change, and eliminate powers and duties of the Coordinating Commission for Postsecondary Education; to harmonize provisions; to repeal the original sections, and also sections 85-998, 85-9,125, and 85-9,156, Revised Statutes Supplement, 1992; and to declare an emergency.

LEGISLATIVE BILL 333. Introduced by Haberman, 44.

A BILL FOR AN ACT relating to the State Capitol; to require a covered walkway as prescribed; to provide a penalty; and to declare an emergency.

LEGISLATIVE BILL 335. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to aquaculture; to adopt the Nebraska Aquaculture Act.

LEGISLATIVE BILL 337. Introduced by Bohlke, 33; Bernard-Stevens, 42; Byars, 30; Moore, 24; Robak, 22; Wesely, 26.

A BILL FOR AN ACT relating to mental health commitment; to amend section 83-1041, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to board-ordered treatment; and to repeal the original section.

LEGISLATIVE BILL 338. Introduced by Cudaback, 36; Bohlke, 33; Hillman, 48; Schimek, 27.

A BILL FOR AN ACT relating to electrologists; to amend sections 71-102, 71-107, 71-110, 71-112, and 71-113, Reissue Revised Statutes of Nebraska, 1943, and sections 33-150, 71-101, 71-131, 71-147, 71-148, and 71-162, Revised Statutes Supplement, 1992; to adopt the Electrolysis Practice Act; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 338A. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 338, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 339. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to insurance; to authorize limiting an insured's choice of a pharmacy.

LEGISLATIVE BILL 342. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-312, 60-528, 60-533, and 60-569, Reissue Revised Statutes of Nebraska, 1943, and section 60-302, Revised Statutes Supplement, 1992; to change provisions relating to registration of motor vehicles; to require proof of financial responsibility as required; to provide and eliminate penalties; to eliminate provisions relating to proof of financial responsibility; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also section 60-570, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 342A. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 342, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 343. Introduced by Hall, 7.

A BILL FOR AN ACT relating to accountants; to amend section 1-169, Reissue Revised Statutes of Nebraska, 1943; to provide for accountant liability as prescribed; and to repeal the original section.

LEGISLATIVE BILL 349. Introduced by Withem, 14.

A BILL FOR AN ACT relating to private postsecondary career schools; to amend sections 79-2801, 79-2812, 79-2822, and 79-2842 to 79-2345, Revised Statutes Supplement, 1992; to create a fund and a board of directors; to provide for assessments and claims against the fund; to provide for the termination of surety bond requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 349A. Introduced by Withem, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 349, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 353. Introduced by Hudkins, 21; Hohenstein, 17; Pedersen, 39; Robak, 22; Schmitt, 41; Vrtiska, 1.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-306, Revised Statutes Supplement, 1992; to change penalties relating to motor vehicle homicide; and to repeal the original section.

LEGISLATIVE BILL 354. Introduced by Witek, 31; Pedersen, 39; Fisher, 35.

A BILL FOR AN ACT relating to motor vehicles; to provide for the issuance of special license plates to active members of the Nebraska National Guard; to provide fees; and to provide an operative date.

LEGISLATIVE BILL 355. Introduced by Witek, 31; Pedersen, 39; Pirsch, 10.

A BILL FOR AN ACT relating to government; to adopt the State Government Assessment Act.

LEGISLATIVE BILL 357. Introduced by Rasmussen, 20; Hall, 7; Pirsch, 10; Robak, 22; Withem, 14.

A BILL FOR AN ACT relating to state employees; to authorize leave for specialized disaster relief services in Nebraska for the American Red Cross.

LEGISLATIVE BILL 358. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to provide powers and duties; to provide a civil penalty for motor carriers; to provide for a hearing; and to provide for an appeal.

LEGISLATIVE BILL 359. Introduced by Pirsch, 10; Haberman, 44; Wickersham, 49.

A BILL FOR AN ACT relating to the State Boat Act; to amend sections 28-905, 37-1238, 37-1241, and 37-1259, Reissue Revised Statutes of Nebraska, 1943, and section 37-1274, Revised Statutes Supplement, 1992; to prohibit operation of a vessel to avoid arrest; to change a citation to a federal act; to provide exceptions to a floatation device requirement as prescribed; to change provisions relating to times during which certain water activities are permitted as prescribed; to prohibit use of certain lights on vessels as prescribed; to require vessels to stop when signaled by authorized persons; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 361. Introduced by Will, 8.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-180.07, Revised Statutes Supplement, 1992; to change provisions relating to prosecutions for sale of liquor to a minor; and to repeal the original section.

LEGISLATIVE BILL 366. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amends sections 79-1501.01 and 79-1514.05, Revised Statutes Supplement, 1992; to authorize an election to pay the retirement system for years of service as a nonmember; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 368. Introduced by Will, 8.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-117, Reissue Revised Statutes of Nebraska, 1943; to provide for annexation of land in adjoining counties; and to repeal the original section.

LEGISLATIVE BILL 371. Introduced by Moore, 24.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-6,214, Reissue Revised Statutes of Nebraska, 1943; to change the enforcement and penalty provisions with respect to protective helmets as prescribed; and to repeal the original section.

LEGISLATIVE BILL 376. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Day, 19; Dierks, 40; Horgan, 4; Rasmussen, 20; Vrtiska, 1.

A BILL FOR AN ACT relating to the Nebraska Health Care Certificate of Need Act; to amend sections 71-5804 and 71-5831, Reissue Revised Statutes of Nebraska, 1943, and section 71-5810, Revised Statutes Supplement, 1992; to redefine terms; to change provisions relating to exemptions; and to repeal the original sections.

LEGISLATIVE BILL 378. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-125, 53-129, 53-160, and 53-164.01, Revised Statutes Supplement, 1992; to change provisions relating to license eligibility; to provide for the payment of the state registration fee for certain licensed premises as prescribed; to provide that brewpubs pay a tax as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 379. Introduced by Abboud, 12; Bromm, 23.

A BILL FOR AN ACT relating to crimes and punishment; to amend section 28-620, Reissue Revised Statutes of Nebraska, 1943; to define terms; to provide for prosecution for certain offenses as prescribed; to provide penalties; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 380. Introduced by Withem, 14; Abboud, 12.

A BILL FOR AN ACT relating to state agencies; to adopt the Economy and Productivity in State Government Act.

LEGISLATIVE BILL 381. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the University of Nebraska; to amend section 85-106.05, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the insurance program for student athletes; and to repeal the original section.

LEGISLATIVE BILL 382. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to title insurance; to amend section 44-1927, Reissue Revised Statutes of Nebraska, 1943, and section 44-1946, Revised Statutes Supplement, 1992; to prohibit certain acts by insurers and agents; to provide for enforcement of federal laws; to provide a duty for the Revisor of Statutes; to eliminate provisions relating to controlled business; to harmonize provisions; and to repeal the original sections, and also sections 44-1930, 44-1931, 44-1934, 44-1938, 44-1939, and 44-1953 to 44-1957, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 383. Introduced by Elmer, 38.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-116.01, 53-134, and 53-1,104, Revised Statutes Supplement, 1992;

to provide duties for local governing bodies; to change provisions relating to license suspensions; and to repeal the original sections.

LEGISLATIVE BILL 385. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-216.03, Reissue Revised Statutes of Nebraska, 1943, and sections 37-102 and 37-207, Revised Statutes Supplement, 1992; to provide for revocation of licenses, permits, and stamps and suspension of privileges to hunt, fish, and harvest fur as prescribed; to eliminate provisions relating to revocation and disqualification for licenses and permits; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 391. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to low-level radioactive waste, to amend sections 81-1578 and 81-15,112.01, Revised Statutes Supplement, 1992; to provide a condition for licensure of a facility; to waive state immunity and provide for liability; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 392. Introduced by Rasmussen, 20; Baack, 47; Moore, 24; Withem, 14.

A BILL FOR AN ACT relating to special education; to amend section 79-3301, Revised Statutes Supplement, 1992; to create and provide duties for the Special Education Accountability Commission; to create a fund; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 393. Introduced by Rasmussen, 20.

A BILL FOR AN ACT relating to juveniles; to amend sections 28-716, 43-247, and 43-295, Reissue Revised Statutes of Nebraska, 1943, and sections 28-710, 28-713, 28-728, 43-278, 43-287.05, and 43-2,129, Revised Statutes Supplement, 1992; to define and redefine terms; to provide and change procedures for investigations of child abuse and neglect; to provide additional immunity from liability as prescribed; to change provisions relating to contempt proceedings, to the adjudication and review period for juvenile cases, and to the continuation of the court's jurisdiction; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 394. Introduced by Hall, 7.

A BILL FOR AN ACT relating to motor vehicles; to require disclosure of manufacturer adjustment programs as prescribed; to define terms; to provide duties; to require reimbursement; and to provide remedies.

LEGISLATIVE BILL 395. Introduced by Hall, 7; Chambers, 11.

A BILL FOR AN ACT relating to employment; to amend sections 23-2525, 23-2531, 48-1101, 48-1104 to 48-1108, 48-1111, 48-1113, 48-1115, 48-1117, 48-1119, 48-1122, 48-1124, 81-1355, and 81-1356, Reissue Revised Statutes of Nebraska, 1943, and section 48-1102, Revised Statutes Supplement, 1992; to define a term; to change provisions relating to employment discrimination

based on sexual orientation; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 398. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to elections; to amend sections 32-705 and 32-1403, Revised Statutes Supplement, 1992; to change provisions relating to circulators of certain petitions; and to repeal the original sections.

LEGISLATIVE BILL 401. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to public records; to amend section 84-712, Reissue Revised Statutes of Nebraska, 1943; to authorize alternative means to access public records; and to repeal the original section.

LEGISLATIVE BILL 404. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to art consignment; to adopt the Fine Art Consignment Act.

LEGISLATIVE BILL 407. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to the division of fire protection districts; to amend section 35-527, Reissue Revised Statutes of Nebraska, 1943; to change the calculation of the proportion of funds deposited to new divisions from area to valuation; and to repeal the original section.

LEGISLATIVE BILL 408. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to open burning; to amend section 81-520.01, Reissue Revised Statutes of Nebraska, 1943, and section 81-520.02, Revised Statutes Supplement, 1992; to change provisions relating to permits and ban; to provide for rules and regulations and for a fee; to change a penalty; and to repeal the original sections.

LEGISLATIVE BILL 411. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Byars, 30; Horgan, 4; Pedersen, 39; Pirsch, 10.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-687 and 60-1403.01, Reissue Revised Statutes of Nebraska, 1943, and sections 39-669.27, 39-6,106.01, 60-462, 60-480, 60-491, 60-4,112, 60-4,118, 60-4,123, 60-4,124, 60-4,125, 60-4,126, and 60-4,142, Revised Statutes Supplement, 1992; to change provisions relating to motor vehicle operators' licenses and permits; to change penalty provisions; to require a driver's education and training course as prescribed; to provide for revocation of motor vehicle operators' licenses; to provide for a driver safety course; to provide for an advisory committee; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 411A. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 411, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

LEGISLATIVE BILL 414. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Byars, 30; Day, 19; Fisher, 35; Horgan, 4; Pedersen, 39; Pirsch, 10; Schmitt, 41.

A BILL FOR AN ACT relating to regulation of carriers; to amend sections 48-105, 74-307, 74-308, 74-424, 74-548, 74-549, 74-550, 74-592 to 74-596, 74-601 to 74-605, 74-608, 74-609, 74-609.01, 74-706, 74-916, 74-918, 74-919, 74-1310, 75-101, 75-104, 75-105, 75-108, 75-109, 75-110, 75-112, 75-113, 75-116, 75-118, 75-119, 75-123, 75-125 to 75-128, 75-131, 75-132, 75-133, 75-135, 75-140, 75-141, 75-142, 75-144, 75-145, 75-146, 75-148, 75-150 to 75-155, 75-201, 75-303, 75-304, 75-304.01, 75-306, 75-308.01, 75-309, 75-309.01, 75-311, 75-318, 75-348, 75-350, 75-353, 75-367, 75-370, 75-371, 75-401, 75-401.01, 75-402, 75-405, 75-411, 75-412, 75-413, 75-414, 75-415, 75-416, 75-418, 75-427 to 75-430, 75-501, 75-502, 75-503, 75-605 to 75-616, 75-701 to 75-711, 75-713 to 75-718, and 75-720 to 75-724, Reissue Revised Statutes of Nebraska, 1943, and sections 75-106, 75-121, 75-134, 75-136.01, 75-137, 75-138, and 75-143, Revised Statutes Supplement, 1992; to change provisions relating to powers, duties, liabilities, and regulation of and concerning railroads and common, contract, aircraft, motor, rail, telephone, telegraph, and other carriers; to transfer provisions; to change and eliminate powers and duties of the Public Service Commission and the Attorney General; to rename the secretary of the commission; to require the commission to enforce federal standards of railroad safety; to change provisions relating to transmission lines; to change and eliminate penalties; to eliminate provisions relating to railroad incorporation, general offices, property acquisition, tracks, facilities, cars, cabooses, equipment, lines, rate of speed, liability to and safety and employment of employees and others, weighing and handling of shipments, employees' wages, rates, fares, and claims against common carriers; to eliminate certain notice and hearing requirements; to eliminate provisions relating to itinerant merchants; to harmonize provisions; and to repeal the original sections, and also sections 74-101 to 74-111, 74-201 to 74-204, 74-301 to 74-306, 74-323, 74-327, 74-328, 74-401 to 74-423, 74-501 to 74-514, 74-538, 74-539, 74-557 to 74-569, 74-583 to 74-586, 74-598 to 74-5,103, 74-606, 74-607, 74-610, 74-611, 74-612, 74-702 to 74-705, 74-707 to 74-715, 74-801, 74-804 to 74-807, 74-815 to 74-823, 74-901 to 74-912, 74-920, 74-1001, 74-1004, 74-1005, 74-1006, 74-1008, 74-1010, 74-1011, 74-1012, 74-1201 to 74-1204, 75-147, 75-202, 75-323, 75-324, 75-325, 75-327, 75-329 to 75-335, 75-404, 75-409, 75-421, 75-424, 75-425, 75-431 to 75-440, 75-501.01, 75-601, 75-602, and 75-603, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 416. Introduced by Will, 8.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-123.15, Revised Statutes Supplement, 1992; to change provisions relating to shipping licenses; and to repeal the original section.

LEGISLATIVE BILL 421. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Byars, 30; Day, 19; Fisher, 35; Horgan, 4; Pedersen, 39; Pirsch, 10; Schmitt, 41.

A BILL FOR AN ACT relating to utility service; to adopt the One-Call Notification System Act; and to provide penalties.

LEGISLATIVE BILL 422. Introduced by Will, 8.

A BILL FOR AN ACT relating to public power; to state intent; to define a term; and to provide for private power entities.

LEGISLATIVE BILL 424. Introduced by Byars, 30.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-129 and 81-2004.02, Reissue Revised Statutes of Nebraska, 1943, and section 60-106, Revised Statutes Supplement, 1992; to eliminate requirements for identification inspections and training for such inspections; to harmonize provisions; and to repeal the original sections, and also sections 60-118 to 60-127, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 428. Introduced by Withem, 14; Baack, 47; Schimek, 27.

A BILL FOR AN ACT relating to elections; to amend sections 2-945.01, 2-953, 2-2435, 2-2437, 2-2447, 2-3213 to 2-3215, 3-502, 3-611, 3-701, 3-703, 10-702, 11-125, 14-201, 14-201.03, 14-204 to 14-208, 14-217.02, 15-249, 15-301, 15-302, 16-103, 16-104, 16-217, 16-302.01, 16-305, 16-306, 16-311, 17-103, 17-104, 17-107, 17-108.02, 17-202, 17-203, 17-311, 17-312, 17-601.01 to 17-603, 18-2514, 18-2516, 18-2517, 18-2521, 18-2525, 18-2530, 18-2536, 19-402, 19-404 to 19-407, 19-409, 19-411, 19-415, 19-421, 19-423, 19-433, 19-612, 19-613, 19-613.01, 19-3002, 19-3005, 19-3019, 19-3023, 19-3025, 19-3026, 19-3029, 19-3030, 19-3034, 19-3040, 19-3041, 19-3050, 19-3051, 22-202, 23-148, 23-150, 23-151, 23-204, 23-222, 23-268, 23-269, 23-1502, 23-1901, 23-3301, 23-3401, 23-3534, 23-3557, 23-3575, 24-814, 24-815, 24-818, 31-735.03, 39-1606, 43-2,112, 43-2,127, 46-112, 46-530, 46-534, 49-202, 49-204, 49-206 to 49-210, 49-214, 49-215, 49-218, 49-219, 49-222, 49-228, 49-237, 49-238, 49-1412, 49-1419, 49-1446.03 to 49-1451, 49-1453, 49-1463 to 49-1464, 49-1467, 49-1469, 49-1470, 49-1472, 49-1479.01, 49-1484, 49-1489, 49-1494, 49-1496, 49-14,100, 49-14,106, 49-14,109, 49-14,111, 49-14,115, 49-14,117, 49-14,119, 49-14,120, 49-14,122, 49-14,124 to 49-14,127, 49-14,129, 49-14,130, 49-14,133, 49-14,135, 49-14,139, 51-202, 70-604.03, 70-604.04, 70-604.08, 70-605, 70-606, 70-610, 70-611, 70-615, 75-101, 79-323, 79-324, 79-426.15, 79-426.25, 79-439.01, 79-462, 79-522, 79-601.01, 79-803.03, 79-803.11, 79-902.01, 79-1003, 79-1109, 79-2646, and 81-1632, Reissue Revised Statutes of Nebraska, 1943, sections 2-2434, 2-3225, 10-703.01, 14-2102, 14-2103, 18-2528, 23-3201, 29-3913, 32-1604, 32-1605, 49-506, 49-1461, 49-1474.01, 49-1483.02, 49-1488.01, 49-1493, 49-1495, 49-1499, 49-14,105, 49-14,107, 49-14,108, 49-14,112, 49-14,114, 49-14,118, 49-14,123, 49-14,123.01, 49-14,131, 49-14,140, 53-122, 70-619, 70-624.04, 77-370.01, 79-322, 79-426.05, 79-426.19, 79-701, 79-802, 79-1103, 79-2203, 79-2647, 79-3820, and 85-103, Revised Statutes Supplement, 1992, and section 49-14,121, Reissue Revised Statutes of Nebraska, 1943, as amended by section 4, Legislative Bill 14, Ninety-second Legislature, Third Special Session, 1992; to adopt the Election Act; to rename and provide powers and duties for the Nebraska Accountability and Disclosure Commission; to change and eliminate provisions relating to elections in political subdivisions; to change, eliminate, and provide penalties; to repeal general provisions found in Chapter 32 relating to elections; to harmonize provisions; and to repeal the original sections, and also sections 3-704, 14-201.04, 15-313, 16-307, 16-315, 17-107.02, 17-115, 17-203.01, 17-221, 19-408, 19-410, 19-425, 19-614, 19-621, 19-623, 19-624, 19-627, 23-152, 23-157, 23-1312, 23-3208, 23-3309, 23-3537, 32-101 to 32-114, 32-116, 32-117, 32-119 to 32-121, 32-201 to 32-205, 32-207 to

32-211, 32-214 to 32-231.01, 32-231.08 to 32-232, 32-264, 32-265, 32-301, 32-304, 32-304.01, 32-305, 32-309, 32-312, 32-315, 32-316, 32-402.01, 32-404 to 32-419, 32-420.01, 32-420.02, 32-422.01, 32-426, 32-428, 32-428.03, 32-428.04, 32-428.07 to 32-430.01, 32-432 to 32-438, 32-439 to 32-444, 32-445.01, 32-448, 32-450.01, 32-452, 32-454, 32-455, 32-457, 32-458, 32-460, 32-461, 32-463, 32-465 to 32-471, 32-473 to 32-478, 32-479.01 to 32-482, 32-490, 32-491, 32-492.01 to 32-493.01, 32-499, 32-499.01, 32-4,102, 32-4,105, 32-4,107, 32-4,108, 32-4,110 to 32-4,112, 32-4,115 to 32-4,125, 32-4,127, 32-4,129, 32-4,130, 32-4,133, 32-4,135 to 32-4,147, 32-4,149, 32-4,151, 32-4,153, 32-4,154, 32-4,156 to 32-4,158, 32-501, 32-502, 32-504, 32-504.01, 32-505 to 32-512, 32-513.01 to 32-516, 32-519 to 32-522, 32-524 to 32-526.02, 32-528 to 32-530.01, 32-532, 32-534, 32-535, 32-542, 32-542.02, 32-542.03, 32-545 to 32-547, 32-549 to 32-552, 32-558, 32-560 to 32-562, 32-601, 32-703, 32-703.01, 32-704.01, 32-705.01, 32-707.01 to 32-708, 32-710, 32-711, 32-713 to 32-715, 32-827 to 32-834, 32-836 to 32-844, 32-846 to 32-853, 32-1001, 32-1001.03 to 32-1001.05, 32-1001.17 to 32-1001.22, 32-1001.24 to 32-1001.28, 32-1001.32 to 32-1002, 32-1038, 32-1042 to 32-1056, 32-1201 to 32-1240, 32-1301.01 to 32-1310, 32-1312 to 32-1314, 46-531, 46-532, 46-533, 70-614, 79-464, 79-465, 79-540, 79-550.01, 79-706, 79-803.08 to 79-803.10, 79-803.12, 79-1003.03, 79-2202.01, and 79-2646.01, Reissue Revised Statutes of Nebraska, 1943, and sections 23-222.01, 32-210.01, 32-212, 32-303, 32-307, 32-308, 32-310, 32-403, 32-421.01, 32-424, 32-425, 32-428.05, 32-428.06, 32-450, 32-451, 32-456, 32-464, 32-485, 32-4,101, 32-4,103, 32-4,104, 32-4,113, 32-4,114, 32-4,132, 32-4,150, 32-4,152, 32-4,155, 32-4,159, 32-503.01, 32-513, 32-517, 32-537, 32-548, 32-556, 32-702, 32-704, 32-704.02, 32-705, 32-706, 32-707, 32-709, 32-712, 32-835, 32-845, 32-1001.06 to 32-1001.10, 32-1001.23, 32-1001.29 to 32-1001.31, 32-1037, 32-1039, 32-1040, 32-1057 to 32-1059, 32-1401 to 32-1409, 32-1501 to 32-1503, 79-803.07, and 79-2665, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 433. Introduced by Horgan, 4; Chambers, 11; Schimek, 27.

A BILL FOR AN ACT relating to tobacco products; to amend sections 69-1901 to 69-1904, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to promotional distribution as prescribed; to define and redefine terms; to change provisions relating to penalties; and to repeal the original sections.

LEGISLATIVE BILL 436. Introduced by Pirsch, 10; Hohenstein, 17; Rasmussen, 20.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-281, 83-465, and 83-469, Reissue Revised Statutes of Nebraska, 1943; to require an evaluation prior to commitment of a juvenile to a Youth Development Center; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 438. Introduced by Wesely, 26; Bernard-Stevens, 42; Bohlke, 33; Byars, 30; Day, 19; Dierks, 40; Horgan, 4; Rasmussen, 20; Robak, 22; Vrtiska, 1.

A BILL FOR AN ACT relating to the Department of Public Institutions; to amend sections 81-102, 83-101.01, 83-101.02, 83-101.03, 83-101.04, 83-107.01, 83-108, 83-114, 83-116, 83-160, and 83-1,147, Reissue Revised Statutes of Nebraska, 1943, and sections 81-101, 83-108.04, 83-109, 83-1,148, and

83-1227, Revised Statutes Supplement, 1992; to change the name of the Department of Public Institutions and the title of the Director of Public Institutions; to state intent; to delete provisions relating to transfer of property; to harmonize provisions; and to repeal the original sections, and also section 83-904, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 441. Introduced by Warner, 25.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 25-2501 and 25-2505, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to acquisition of private property for public use; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 445. Introduced by Robinson, 16.

A BILL FOR AN ACT relating to schools and school districts; to authorize sponsorship of student organizations as provided; to provide powers and duties for the State Board of Education and the State Department of Education; to provide for accounting procedures; and to provide for rules and regulations.

LEGISLATIVE BILL 445A. Introduced by Robinson, 16.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 445, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 446. Introduced by Wickersham, 49; Coordsen, 32.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend sections 84-901, 84-905.01, 84-906, 84-907, 84-909, 84-914, and 84-920, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to adoption of rules and regulations and procedures before agencies; to eliminate provisions relating to amendments to rules and regulations and for declaratory rulings; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 84-910 and 84-912, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 447. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to revenue and taxation; to provide for a study of taxation of certain livestock.

LEGISLATIVE BILL 449. Introduced by Withem, 14.

A BILL FOR AN ACT relating to education; to amend section 9-812, Revised Statutes Supplement, 1992; to change the distribution of state lottery proceeds for education; and to repeal the original section.

LEGISLATIVE BILL 450. Introduced by Withem, 14.

A BILL FOR AN ACT relating to child custody; to amend section 42-364, Revised Statutes Supplement, 1992; to change provisions relating to joint custody; and to repeal the original section.

LEGISLATIVE BILL 451. Introduced by Withem, 14.

A BILL FOR AN ACT relating to juveniles; to amend sections 29-401 and 43-253, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to release of a juvenile as prescribed; to provide for notification of certain court actions as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 456. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the University of Nebraska at Lincoln; to require a stipend to football players as prescribed; to state intent; and to provide a limitation.

LEGISLATIVE BILL 459. Introduced by Horgan, 4.

A BILL FOR AN ACT relating to retirement; to amend section 23-2309.01, Reissue Revised Statutes of Nebraska, 1943, and sections 23-2310, 84-1310.01, and 84-1311, Revised Statutes Supplement, 1992; to change provisions relating to the investment of funds and adjustments to employer accounts; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 460. Introduced by Horgan, 4.

A BILL FOR AN ACT relating to retirement; to amend sections 84-1504 to 84-1506, 84-1509, and 84-1510, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to deferred compensation for state and county employees; and to repeal the original sections.

LEGISLATIVE BILL 461. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to detention facilities; to amend section 83-4,125, Revised Statutes Supplement, 1992; to redefine terms; and to repeal the original section.

LEGISLATIVE BILL 463. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to execution and exemption; to amend sections 25-1543, 25-1552 to 25-1554, 25-1556, 25-1559, 25-1563.01, 25-1563.02, 40-105, 40-107, 40-108, 40-111, 44-371, and 44-1089, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to exemptions from execution; to provide duties for the Supreme Court; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 464. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to powers of attorney; to amend section 76-246, Reissue Revised Statutes of Nebraska, 1943, and section 24-517, Revised Statutes Supplement, 1992; to adopt the Power of Attorney Act; to authorize filings as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 467. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to conservators; to amend section 30-2641, Reissue Revised Statutes of Nebraska, 1943; to provide restrictions on

proceedings against sureties as prescribed; to provide for the use of a national tracing service; to provide for interest; and to repeal the original section.

LEGISLATIVE BILL 469. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to child abuse and neglect; to amend sections 28-728 and 28-729, Revised Statutes Supplement, 1992; to change provisions relating to the creation and appointment of investigation and treatment teams; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 473. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to driving under the influence; to amend section 28-105, Reissue Revised Statutes of Nebraska, 1943, and sections 28-106, 29-119, 39-669.07, and 39-669.08, Revised Statutes Supplement, 1992; to create the Class W felony; to provide for third and subsequent offense driving under the influence and third and subsequent offense refusal to submit to a preliminary breath test; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 474. Introduced by Hohenstein, 17; Chambers, 11.

A BILL FOR AN ACT relating to motor vehicles; to provide for collegiate license plates; to provide fees; to create funds; and to state intent.

LEGISLATIVE BILL 480. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Bohlke, 33; Bromm, 23; Elmer, 38; Hartnett, 45; Jones, 43; McKenzie, 34; Preister, 5.

A BILL FOR AN ACT relating to natural resources districts; to amend sections 2-3213, 2-3214, 2-3220, 2-3227, 2-3254, and 46-629, Reissue Revised Statutes of Nebraska, 1943, section 77-2704.15, Revised Statutes Supplement, 1992, Laws 1981, LB 81, section 5, as amended by Laws 1986, LB 124, section 3, Laws 1991, LB 137, section 2, Laws 1992, LB 1063, section 206, and section 177, Legislative Bill 1, Ninety-second Legislature, Second Special Session, 1992, and Laws 1981, LB 81, section 6, as amended by Laws 1992, LB 1063, section 207, and section 178, Legislative Bill 1, Ninety-second Legislature, Second Special Session, 1992; to eliminate requirements for approval of changes in the number of directors, changes of boundaries of subdistricts, and changes in the manner of electing directors; to change authorized investments; to change a publication of expenditures requirement; to eliminate a reporting requirement for certain fees; to exempt purchases made by natural resources districts from sales and use tax; to harmonize provisions; to change operative date and repealer provisions; and to repeal the original sections, and also section 2-3262, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 481. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Bohlke, 33; Bromm, 23; Elmer, 38; Hartnett, 45; Jones, 43; McKenzie, 34; Preister, 5.

A BILL FOR AN ACT relating to the Game and Parks Commission; to accept the grant-in-aid from the federal government for recreational trails and trail-related projects as prescribed; and to create a fund.

LEGISLATIVE BILL 481A. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 481, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

LEGISLATIVE BILL 482. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Bohlke, 33; Bromm, 23; Elmer, 38; Hartnett, 45; Jones, 43; McKenzie, 34; Preister, 5.

A BILL FOR AN ACT relating to energy loans and grants; to amend section 81-1632, Reissue Revised Statutes of Nebraska, 1943, and section 81-1633, Revised Statutes Supplement, 1992; to change provisions relating to loans to school districts for energy efficiency projects; to define terms; to require a report; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 488. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to professional corporations; to amend section 21-2201, Reissue Revised Statutes of Nebraska, 1943; to authorize Nebraska professional corporations to provide services in other states; to provide for certain foreign professional corporations to provide services in Nebraska as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 489. Introduced by Will, 8.

A BILL FOR AN ACT relating to bingo and other gambling; to amend sections 9-239, 9-321.01, 9-344, 9-429, 9-625, and 9-648, Reissue Revised Statutes of Nebraska, 1943; to change and eliminate taxation provisions; to redefine a term; to eliminate certain permit requirements, filing requirements, notification requirements, and provisions on local control and elections relating to bingo, lotteries, and raffles; to harmonize provisions; and to repeal the original sections, and also sections 9-236, 9-237, 9-252, 9-433, 9-643, and 9-644, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 490. Introduced by Crosby, 29; Wesely, 26.

A BILL FOR AN ACT relating to child custody; to amend section 43-1225, Reissue Revised Statutes of Nebraska, 1943, and section 42-364, Revised Statutes Supplement, 1992; to provide for evidence of abuse to be considered; to provide standards for all custody proceedings; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 493. Introduced by Wesely, 26; Schimek, 27.

A BILL FOR AN ACT relating to sexual exploitation; to amend sections 28-101 and 28-318, Reissue Revised Statutes of Nebraska, 1943, and section 29-110, Revised Statutes Supplement, 1992; to provide for the offense of sexual exploitation by a psychotherapist; to harmonize provisions; to provide a time limitation; to define terms; to provide penalties; to provide for reporting by other psychotherapists; and to repeal the original sections.

LEGISLATIVE BILL 495. Introduced by Lindsay, 9; Abboud, 12; Baack, 47; Bernard-Stevens, 42; Fisher, 35; Haberman, 44; Hall, 7; Moore, 24.

A BILL FOR AN ACT relating to smokeless tobacco products; to state intent; to define terms; to permit distribution of samples for promotional purposes as prescribed; to provide civil and criminal penalties; to provide for licensing of manufacturers; to provide for enforcement; to eliminate provisions prohibiting distribution; and to repeal sections 69-1901 to 69-1904, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 496. Introduced by Hartnett, 45; Byars, 30; Cudaback, 36; Day, 19; Dierks, 40; Horgan, 4; Lynch, 13; Rasmussen, 20.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-1,147, 71-1,147.09, 71-1,147.10, 71-1,147.13, 71-1,147.33, and 71-2407, Reissue Revised Statutes of Nebraska, 1943, and sections 71-101 and 71-1,142, Revised Statutes Supplement, 1992; to change provisions relating to the practice of pharmacy; to define and redefine terms; to change provisions relating to filling and refilling prescriptions; to change provisions relating to supportive pharmacy personnel; to provide duties for pharmacists in charge; to provide for prospective drug utilization review; to provide for patient counseling; to provide for confidentiality of information; to provide for rules and regulations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 496A. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 496, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 497. Introduced by Wesely, 26; Lindsay, 9.

A BILL FOR AN ACT relating to protection of persons under disability; to amend sections 25-2730, 30-2201, 30-2220, 30-2619, 30-2620, 30-2620.01, 30-2625, 30-2626, 30-2627, 30-2628, 30-2630, 30-2633, 30-2634, 30-2636, 30-2637, 30-2639, and 30-2643, Reissue Revised Statutes of Nebraska, 1943; to require a bond for certain appeals in guardianship proceedings; to provide duties for the State Court Administrator; to change provisions relating to appointment, powers, and duties of guardians and conservators and notice and procedures for guardianship and conservatorship proceedings; to provide for appointment of an attorney, a temporary guardian, and a temporary conservator; to provide for an expedited hearing; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 498. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to mental health treatment; to amend sections 83-380.01, 83-1002, 83-1018, and 83-1046, Reissue Revised Statutes of Nebraska, 1943, and sections 83-1017 and 83-1078, Revised Statutes Supplement, 1992; to change eligibility provisions for public mental health benefits; to define a term; to change restrictions on the number of mental health boards in a judicial district; to provide for training of members of mental health boards as prescribed; to change provisions relating to discharge and changes in treatment of and hearings involving persons subject to the Nebraska Mental Health Commitment Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 498A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 498, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 501. Introduced by Day, 19; Schellpeper, 18.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-727, 31-740, 31-744, and 39-1405, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to contracts with certain counties; to authorize the removal of snow and ice from streets as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 503. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to penal and correctional facilities; to amend section 83-183, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to employment of persons committed to the Department of Correctional Services; and to repeal the original section.

LEGISLATIVE BILL 509. Introduced by Lindsay, 9; Ashford, 6; Hohenstein, 17; Kristensen, 37; Will, 8.

A BILL FOR AN ACT relating to the courts; to amend section 24-201.01, Revised Statutes Supplement, 1992; to change judges' salaries; and to repeal the original section.

LEGISLATIVE BILL 511. Introduced by Will, 8; Pedersen, 39.

A BILL FOR AN ACT relating to manufactured homes; to amend sections 14-402, 15-902, 19-902, 23-114, 23-174.01, 71-1557, and 71-6407, Reissue Revised Statutes of Nebraska, 1943; to prohibit certain zoning ordinances, resolutions, or regulations limiting the location of manufactured homes; to prohibit state or political subdivision regulations inconsistent with federal law; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 512. Introduced by Elmer, 38.

A BILL FOR AN ACT relating to liquefied petroleum gas; to adopt the Liquefied Petroleum Gas Act.

LEGISLATIVE BILL 513. Introduced by Wesely, 26; Robak, 22.

A BILL FOR AN ACT relating to the Nebraska Comprehensive Community Mental Health Services Act; to amend sections 71-5001, 71-5003, 71-5009, 71-5010, and 71-5013, Reissue Revised Statutes of Nebraska, 1943; to provide for quality review teams; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 513A. Introduced by Wesely, 26; Robak, 22.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 513, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 515. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to health care; to adopt the Children and Youth Mental Health and Substance Abuse Managed Care Act.

LEGISLATIVE BILL 518. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-3701 to 29-3703, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to treatment of persons found not responsible by reason of insanity; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 521. Introduced by Rasmussen, 20.

A BILL FOR AN ACT relating to children; to adopt the Safe Children Policy Act.

LEGISLATIVE BILL 522. Introduced by Rasmussen, 20; Crosby, 29.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-1,132.47, Reissue Revised Statutes of Nebraska, 1943; to adopt the Licensed Practical Nurse-Certified Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 522A. Introduced by Rasmussen, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 522, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 524. Introduced by Bohlke, 33; Fisher, 35; Jones, 43.

A BILL FOR AN ACT relating to agriculture; to amend section 81-1505, Revised Statutes Supplement, 1992; to adopt the Agricultural Chemical Storage and Containment Act; to harmonize provisions; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 525. Introduced by Bohlke, 33; Coordsen, 32; Lynch, 13; Schimek, 27.

A BILL FOR AN ACT relating to labor; to amend section 48-1230, Reissue Revised Statutes of Nebraska, 1943; to provide methods for the payment of employee wages; and to repeal the original section.

LEGISLATIVE BILL 528. Introduced by Rasmussen, 20; Bernard-Stevens, 42.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-444.01, Revised Statutes Supplement, 1992; to change provisions relating to immunizations; to provide exceptions as prescribed; to provide for provisional enrollment; to provide powers for the Department of Health; and to repeal the original section.

LEGISLATIVE BILL 530. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Preister, 5; Will, 8; and Pedersen, 39.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-101, 17-101, and 17-201, Reissue Revised Statutes of Nebraska, 1943; to authorize incorporation as a city of the first or second class by petition; to provide procedures; to change provisions relating to incorporation of villages; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 531. Introduced by Rasmussen, 20; Baack, 47; Bernard-Stevens, 42; Bohlke, 33; Hartnett, 45; Hillman, 48; Horgan, 4; Kristensen, 37; Lynch, 13.

A BILL FOR AN ACT relating to adoption; to provide for communication agreements with birth parents; and to provide for county court approval of such agreements.

LEGISLATIVE BILL 533. Introduced by Lynch, 13; Fisher, 35.

A BILL FOR AN ACT relating to rent; to prohibit rent-control regulation.

LEGISLATIVE BILL 537. Introduced by Bromm, 23; Bernard-Stevens, 42.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226, Reissue Revised Statutes of Nebraska, 1943; to provide general obligation bond authority; to provide for elector approval; and to repeal the original section.

LEGISLATIVE BILL 542. Introduced by Moore, 24.

A BILL FOR AN ACT relating to gifts; to amend Laws 1991, LB 843, section 95; to provide for the allocation of gifts, bequests, and devises made available to the State of Nebraska; to provide restrictions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 548. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to agriculture; to adopt the Milk Marketing Act.

LEGISLATIVE BILL 551. Introduced by Pedersen, 39; Abboud, 12; Avery, 3; Hartnett, 45; Horgan, 4; Lindsay, 9; Lynch, 13; Preister, 5; Will, 8.

A BILL FOR AN ACT relating to counties; to amend section 23-104.02, Reissue Revised Statutes of Nebraska, 1943; to provide the power to establish and fund a scholarship program for underprivileged youth as prescribed; and to repeal the original section.

LEGISLATIVE BILL 552. Introduced by Pedersen, 39; Avery, 3; Schmitt, 41.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1006, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to travel reports of state-owned motor vehicles as prescribed; and to repeal the original section.

LEGISLATIVE BILL 553. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to water wells; to amend section 46-1201, Revised Statutes Supplement, 1992; to authorize variances from regulations as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 558. Introduced by Hall, 7; Abboud, 12; Hartnett, 45; Horgan, 4; Lindsay, 9; Wickersham, 49; Will, 8.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-302 and 60-310, Revised Statutes Supplement, 1992; to change provisions relative to furnishing proof of financial responsibility; to provide for renewal of motor vehicle registration by telephone as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 560. Introduced by Schellpeper, 18; Day, 19.

A BILL FOR AN ACT relating to agriculture; to require aerial applicators to have liability insurance; and to provide a penalty.

LEGISLATIVE BILL 562. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to sales and use taxes; to amend sections 77-2702.07, 77-2702.13, 77-2702.14, and 77-2702.17, Revised Statutes Supplement, 1992, and section 77-2703, Revised Statutes Supplement, 1992, as amended by section 26, Legislative Bill 1, Ninety-second Legislature, Fourth Special Session, 1992; to redefine terms; to tax certain services; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 565. Introduced by Warner, 25; Wesely, 26.

A BILL FOR AN ACT relating to state government; to provide requirements for contracts for privatization of personal services as prescribed; and to provide duties for the Director of Administrative Services.

LEGISLATIVE BILL 569. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 79-201, 79-205, 79-206, and 79-2011, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1910, 79-444, and 79-1415, Revised Statutes Supplement, 1992; to change age limits relating to compulsory education; to change provisions relating to school-sponsored child care; to provide for a supervised, structured environment for students during the school day as prescribed; to provide powers and duties for school districts and the State Department of Education; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 570. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the environment; to amend sections 28-523, 39-683, and 39-6,190, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1501, 81-1504, 81-1505, 81-1506, 81-1508, and 81-1532, Revised Statutes Supplement, 1992; to provide and harmonize penalties for littering; to state intent; to provide powers and duties for the Department of Environmental

Quality; to eliminate provisions relating to certain permit procedures; to change and provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 571. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to erosion and sediment control; to amend sections 2-4603, 2-4608, and 2-4610, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to change order requirements; to provide for cost-sharing assistance; and to repeal the original sections.

LEGISLATIVE BILL 574. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to public power; to amend section 70-1001, Reissue Revised Statutes of Nebraska, 1943; to define a term; to restrict sales of electric energy by independent power producers as prescribed; to restate policy; and to repeal the original section.

LEGISLATIVE BILL 577. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to power districts and corporations; to amend section 70-504, Reissue Revised Statutes of Nebraska, 1943; to provide for an exemption from an election requirement as prescribed; and to repeal the original section.

LEGISLATIVE BILL 580. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to development districts; to amend section 13-1906, Revised Statutes Supplement, 1992; to specify the minimum level of funding; and to repeal the original section.

LEGISLATIVE BILL 584. Introduced by Withem, 14.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,113 and 60-4,117, Revised Statutes Supplement, 1992; to change provisions relating to the issuance of operators' licenses; and to repeal the original sections.

LEGISLATIVE BILL 586. Introduced by Baack, 47.

A BILL FOR AN ACT relating to teachers; to amend sections 79-328, 79-1233, 79-1247.03, 79-1247.05, and 79-1247.06, Revised Statutes Supplement, 1992; to provide for alternative equivalent certificates for teaching; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 589. Introduced by Pedersen, 39; Day, 19; Fisher, 35; Pirsch, 10; Witek, 31.

A BILL FOR AN ACT relating to persons under the age of nineteen; to amend sections 29-401, 29-412, and 29-424, Reissue Revised Statutes of Nebraska, 1943, and section 43-2,129, Revised Statutes Supplement, 1992; to provide that judges cannot hear cases of such persons without a parent, guardian, or responsible representative being present; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 594. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-118, Reissue Revised Statutes of Nebraska, 1943; to change settlement provisions; and to repeal the original section.

LEGISLATIVE BILL 596. Introduced by Janssen, 15; Day, 19; Dierks, 40; Hudkins, 21; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to game refuges; to amend sections 37-420, Reissue Revised Statutes of Nebraska, 1943, and section 37-413, Revised Statutes Supplement, 1992; to prohibit the operation of motorboats during certain months; to provide an exception; and to repeal the original sections.

LEGISLATIVE BILL 600. Introduced by Elmer, 38; Ashford, 6; Bohlke, 33; Bromm, 23; Day, 19; Fisher, 35; Hillman, 48; Hudkins, 21; Janssen, 15; Jones, 43; Preister, 5; Schmitt, 41; Vrtiska, 1; Wehrbein, 2; Witek, 31.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 29-2532 to 29-2546, Reissue Revised Statutes of Nebraska, 1943; to change the mode of inflicting the death penalty; to provide duties to the Director of Correctional Services; to change procedure for mentally incompetent, pregnant, and other persons convicted to death; to change a term; to harmonize provisions; to provide severability; to repeal the original sections, and also section 83-905, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 601. Introduced by Bromm, 23; Day, 19; Hohenstein, 17; Janssen, 15; Jones, 43; Pedersen, 39; Preister, 5; Witek, 31; Ashford, 6.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1492, Reissue Revised Statutes of Nebraska, 1943; to prohibit past state senators and certain past staff members from engaging in lobbyist activities for a period of time; and to repeal the original section.

LEGISLATIVE BILL 602. Introduced by Bromm, 23; Horgan, 4; Lindsay, 9.

A BILL FOR AN ACT relating to judges retirement; to amend section 24-708, Reissue Revised Statutes of Nebraska, 1943; to authorize retirement at age sixty years as prescribed; and to repeal the original section.

LEGISLATIVE BILL 603. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to insolvent banks; to amend section 8-1,110, Reissue Revised Statutes of Nebraska, 1943; to provide for the priority of claims of sellers of federal funds; and to repeal the original section.

LEGISLATIVE BILL 605. Introduced by Landis, 46.

A BILL FOR AN ACT relating to public power districts; to amend section 70-624, Reissue Revised Statutes of Nebraska, 1943; to subject an official to

removal from office for not publishing certain salaries as required; to provide a penalty; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 607. Introduced by Crosby, 29; Bohlke, 33; Lynch, 13; Byars, 30.

A BILL FOR AN ACT relating to firefighter retirement; to amend sections 16-1024, 16-1028, and 16-1033, Reissue Revised Statutes of Nebraska, 1943, and section 16-1027, Revised Statutes Supplement, 1992; to authorize voluntary contributions; to change benefit payment provisions; to change vesting provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 608. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to the Nebraska Amusement Ride Act; to amend sections 48-1801, 48-1802, 48-1806, and 48-1812, Reissue Revised Statutes of Nebraska, 1943; to define and redefine a term; to change insurance provisions; to provide separate inspection fees for bungee jumping; to prohibit reverse bungee jumping; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 608A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 608, Ninety-third Legislature, First Session, 1993; and to declare an emergency.

LEGISLATIVE BILL 611. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-144, Reissue Revised Statutes of Nebraska, 1943; to provide and eliminate certain bank insider lending limit provisions as prescribed; and to repeal the original section, and also section 8-140, Reissue Revised Statutes of Nebraska, 1993.

LEGISLATIVE BILL 612. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Commission of Industrial Relations; to amend section 48-809, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to use of evidence; and to repeal the original section.

LEGISLATIVE BILL 613. Introduced by Baack, 47.

A BILL FOR AN ACT relating to fuel tax; to amend section 66-605.04, Revised Statutes Supplement, 1992; to authorize exemption certificates for counties; and to repeal the original section.

LEGISLATIVE BILL 616. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to solid waste disposal; to define terms; to provide for formation of solid waste disposal districts; to provide powers and duties; to provide for the creation and operation of the Solid Waste Disposal Coordination Board; to provide powers, functions, duties, and responsibilities of the board; to create a fund; to provide for assessments; to provide for rules and regulations; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 618. Introduced by Pedersen, 39; Ashford, 6; Lynch, 13; Pirsch, 10.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-168.06, Revised Statutes Supplement, 1992; to change provisions relating to sale or service of alcoholic liquor by minors in the course of employment as prescribed; and to repeal the original section.

LEGISLATIVE BILL 619. Introduced by Pedersen, 39; Ashford, 6; Hohenstein, 17; Hudkins, 21; Lynch, 13; Pirsch, 10.

A BILL FOR AN ACT relating to crimes; to amend sections 81-1835 and 81-1844, Reissue Revised Statutes of Nebraska, 1943; to impose a surcharge on certain defendants; to provide for deposit of the surcharge in the Victim's Compensation Fund and the Crime Victim and Witness Assistance Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 621. Introduced by Warner, 25.

A BILL FOR AN ACT relating to public meetings; to amend sections 84-1410 and 84-1414, Revised Statutes Supplement, 1992; to eliminate a definition; to change a violation and penalties; and to repeal the original sections.

LEGISLATIVE BILL 622. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-202.01, 37-203, 37-204.01, 37-211.01, 37-214.04, 37-215, 37-215.03, 37-217.01, 37-227, 37-233, 37-304.02, 37-502, 37-503, 37-703, 37-714, 37-715, 37-901, 37-905, 37-908, 37-1105, 37-1108, 37-1212, 37-1214, 37-1217, and 37-1227, Reissue Revised Statutes of Nebraska, 1943, and sections 37-201, 37-204, 37-211, 37-213, 37-214.03, 37-216.01, 37-505, and 37-720, Revised Statutes Supplement, 1992; to permit the Game and Parks Commission to establish fees as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 624. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to natural resources; to state findings; to create the Task Force on River Assessment; to provide duties; and to provide a termination date.

LEGISLATIVE BILL 628. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Bromm, 23; Preister, 5; Schimek, 27; Will, 8.

A BILL FOR AN ACT relating to municipal bond transactions of cities and villages; to provide for disclosure by financial advisors as prescribed.

LEGISLATIVE BILL 630. Introduced by Hartnett, 45; Will, 8.

A BILL FOR AN ACT relating to municipalities; to amend sections 16-404, 17-614, 19-903, and 19-929, Reissue Revised Statutes of Nebraska, 1943; to define a term; to provide duties and limitations for municipalities annexing territory; to change provisions relating to the comprehensive development plan; and to repeal the original sections.

LEGISLATIVE BILL 637. Introduced by Moore, 24; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Lynch, 13; Wehrbein, 2.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1449, 49-1451, 49-1453, 49-1464, 49-1470, 49-1482, 49-1484, and 49-1486, Reissue Revised Statutes of Nebraska, 1943, and sections 49-1401, 49-1483, 49-1483.02, 49-1485, 49-1488, 49-1488.01, 49-14,123, and 49-14,140, Revised Statutes Supplement, 1992; to provide fees; to change provisions relating to the statements of campaign committees and dissolution of the committees; to change provisions relating to lobbyist's and principal's filing applications with the Legislature; to provide and change duties for the Clerk of the Legislature; to change and create a fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 639. Introduced by Fisher, 35; Horgan, 4.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend sections 81-1325, 81-1328, and 81-2033, Reissue Revised Statutes of Nebraska, 1943, and sections 81-2025 and 81-2026, Revised Statutes Supplement, 1992; to change provisions relating to payment of benefits; to redefine a term; to change calculations relating to retirement; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 640. Introduced by Bohlke, 33; Bernard-Stevens, 42; Hillman, 48; Landis, 46; Rasmussen, 20; Schimek, 27; Will, 8.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend sections 48-1102 and 48-1104, Revised Statutes Supplement, 1992; to define and redefine terms; to provide an additional unlawful employment practice; and to repeal the original sections.

LEGISLATIVE BILL 640A. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 640, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 642. Introduced by Lindsay, 9; Beutler, 28; Bohlke, 33; Lynch, 13; Schimek, 27.

A BILL FOR AN ACT relating to real property; to require a disclosure statement for certain residential real property sales; to provide a cause of action for failure to provide the disclosure statement; to define terms; to require rules and regulations; and to provide an operative date.

LEGISLATIVE BILL 642A. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 642, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 644. Introduced by Rasmussen, 20; Preister, 5.

A BILL FOR AN ACT relating to husband and wife; to amend section 42-364.15, Reissue Revised Statutes of Nebraska, 1943, and sections 42-347 and 42-364, Revised Statutes Supplement, 1992; to change provisions relating to child custody and visitation; to state findings and policy; to provide requirements for decrees and orders relating to visitation; to change provisions relating to petitions for visitation; to provide for a civil action; to change provisions relating to enforcement of decrees and orders relating to visitation; to provide duties for the State Court Administrator and the Revisor of Statutes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 647. Introduced by McKenzie, 34; Hall, 7; Schimek, 27; Day, 19.

A BILL FOR AN ACT relating to schools; to amend section 9-812, Revised Statutes Supplement, 1992; to define terms; to provide for programs for high-ability students; to provide for funding; to provide duties for the State Department of Education; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 647A. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 647, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 648. Introduced by McKenzie, 34; Rasmussen, 20.

A BILL FOR AN ACT relating to public health and welfare; to define terms; to provide for comprehensive environmental lead inspections as prescribed; to restrict certain transfers of property; to provide penalties; and to provide for rules and regulations.

LEGISLATIVE BILL 649. Introduced by Withem, 14.

A BILL FOR AN ACT relating to math and science education; to state intent; and to appropriate funds.

LEGISLATIVE BILL 651. Introduced by Chambers, 11; Hall, 7; Lindsay, 9.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 27-609, 27-803, 28-104, 28-105, 28-201, 28-202, 28-303, 29-742, 29-744, 29-1822, 29-2005, 29-2006, 29-2282, 29-2407, 29-2801, 29-3205, and 55-480, Reissue Revised Statutes of Nebraska, 1943, and sections 24-1106, 25-1140.09, and 29-2020, Revised Statutes Supplement, 1992; to state the findings of the Legislature; to eliminate the death penalty; to eliminate the requirement that a transcript of the trial proceeding and briefs be provided to the defendant at county expense; to provide for life imprisonment without the possibility of parole and with order of restitution or life imprisonment; to provide factors for the determination of sentence and mitigating circumstances; to state the intent of the Legislature with regard to death sentences not yet carried out; to change provisions relating to an order of restitution; to eliminate provisions concerning the imposition of the death penalty, special procedures relating to the death penalty, and certain stay provisions; to harmonize provisions; to provide severability; and to repeal the original sections, and also sections 28-105.01,

29-2519 to 29-2525, 29-2527, 29-2528, 29-2532 to 29-2546, 29-2811, and 83-1,132, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 653. Introduced by Hall, 7; Will, 8.

A BILL FOR AN ACT relating to income tax; to amend section 77-2716.01, Revised Statutes Supplement, 1992; to provide a deduction from income for certain educational expenses; to define terms; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 654. Introduced by Hall, 7.

A BILL FOR AN ACT relating to liquor; to amend section 53-101, Revised Statutes Supplement, 1992; to authorize imposition of a fee on retailers by cities as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 656. Introduced by Robak, 22; Bohlke, 33.

A BILL FOR AN ACT relating to the Department of Health; to amend section 71-2622, Revised Statutes Supplement, 1992; to change provisions relating to the inspection of private water supplies and private sewage disposal facilities; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 658. Introduced by Withem, 14.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-27,188.01, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2702.05, 77-2702.13, 77-2704.12, 77-2704.15, 77-2704.32, and 77-2704.33, Revised Statutes Supplement, 1992; to change provisions relating to taxation of property incorporated into real estate; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 660. Introduced by Withem, 14.

A BILL FOR AN ACT relating to abortion; to eliminate a duty for school districts to provide certain information; and to repeal section 71-6909, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 663. Introduced by Moore, 24.

A BILL FOR AN ACT relating to criminal history record information; to provide for checks of persons residing at certain premises as prescribed.

LEGISLATIVE BILL 665. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to civil actions; to adopt the Citizen Participation Act.

LEGISLATIVE BILL 667. Introduced by Hall, 7; Baack, 47; Chambers, 11.

A BILL FOR AN ACT relating to civil rights; to repeal the Free Flow of Information Act; and to repeal sections 20-144 to 20-147, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 671. Introduced by Landis, 46.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-669.07, 39-669.08, 39-669.16, 39-669.22, 39-6,122, and 60-4,118, Revised Statutes Supplement, 1992; to provide for the use of ignition interlock devices; to change provisions relating to the assessment of points against operators' licenses; to provide for a restricted operator's license; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 672. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1203.02, 2-1209, and 2-1211, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1203.01, 2-1207, and 2-1208, Revised Statutes Supplement, 1992; to change provisions relating to fees, costs, and reports; to change provisions for disbursement of funds; to eliminate provisions relating to exotic wagering; to harmonize provisions; and to repeal the original sections, and also sections 2-1208.03, 2-1208.04, and 2-1210, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 673. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to disabled motor vehicles; to amend sections 39-671, 39-6,180.02, and 60-1901 to 60-1903, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to removal of vehicles; to change provisions relating to permissible length of a combination of vehicles; to provide for towing and storage fees relating to abandoned vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 676. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to employment; to define terms; to provide duties for employers of non-English-speaking employees; to provide powers and duties for the Commissioner of Labor; and to provide penalties.

LEGISLATIVE BILL 677. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to probation, parole, and pardons; to amend sections 29-2264, 83-1,126, 83-1,126.01, 83-1,129, and 83-1,130, Reissue Revised Statutes of Nebraska, 1943, section 83-1,118, Revised Statutes Supplement, 1992, sections 83-188, 83-192, 83-1,100, 83-1,113, 83-1,127, and 83-1,135, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 1, 3, 4, 5, 6, and 9, respectively, Legislative Bill 13, Ninety-second Legislature, Third Special Session, 1992, and section 7, Legislative Bill 13, Ninety-second Legislature, Third Special Session, 1992; to change provisions relating to the restoration of civil rights; to change and eliminate provisions relating to the powers and duties of the Board of Parole, the Board of Pardons, the Office of Parole Administration, and the Department of Correctional Services; to change provisions relating to applications for pardons; to provide for transfer of certain items as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections, and also section 8, Legislative Bill 13, Ninety-second Legislature, Third Special Session, 1992; and to declare an emergency.

LEGISLATIVE BILL 677A. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 677, Ninety-third Legislature, First Session, 1993; to reduce an appropriation; and to declare an emergency.

LEGISLATIVE BILL 678. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to postconviction proceedings; to amend section 29-3004, Revised Statutes Supplement, 1992; to require appointment of competent and effective counsel; and to repeal the original section.

LEGISLATIVE BILL 679. Introduced by Hartnett, 45; Hillman, 48; Janssen, 15; Pedersen, 39.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend sections 79-1430 to 79-1434, 81-501.01, 81-511, 81-512, 81-522, 81-525, 81-528, 81-529, and 81-538, Reissue Revised Statutes of Nebraska, 1943, and sections 79-330, 79-1421, 79-1422, 79-1423, 79-1429, 81-502, 81-503, 81-505, 81-509, and 81-551, Revised Statutes Supplement, 1992; to transfer the Fire Service and Safety Training Program, personnel, and equipment to the State Fire Marshal; to transfer a fund; to harmonize provisions; to repeal the provision transferring the program to the State Department of Education; to provide an operative date; to repeal the original sections, and also section 79-341, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 681. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to political subdivisions; to require an appraisal as prescribed.

LEGISLATIVE BILL 683. Introduced by Warner, 25.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-931, Reissue Revised Statutes of Nebraska, 1943, and sections 85-180.14, 85-401, 85-404, 85-402, 85-403, 85-408, 85-937, 85-1402, 85-1414, 85-1415, and 85-1418, Revised Statutes Supplement, 1992; to change provisions relating to the review and approval of certain projects by the Coordinating Commission for Postsecondary Education; to redefine a term; to change provisions relating to degree programs; to prohibit the appropriation or expenditure of tax funds for certain purposes; to eliminate duties for FY1991-92; to harmonize provisions; and to repeal the original sections, and also section 85-1417, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 684. Introduced by Warner, 25.

A BILL FOR AN ACT relating to school districts; to amend section 79-901, Revised Statutes Supplement, 1992; to change provisions relating to the boundaries of Class IV school districts; to provide for an election regarding the merger of school districts; and to repeal the original section.

LEGISLATIVE BILL 687. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Legislature; to amend section 84-202, Reissue Revised Statutes of Nebraska, 1943, and section 84-205, Revised Statutes Supplement, 1992; to authorize employment of a Counsel to the

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

LEGISLATIVE BILL 693. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2290, Revised Statutes Supplement, 1992; to change provisions relating to human immunodeficiency virus antibody or antigen tests; to provide powers and duties for the Department of Correctional Services and the Department of Health; to provide for the payment of the cost of the test; to define terms; and to repeal the original section.

LEGISLATIVE BILL 694. Introduced by Will, 8; Schellpeper, 18.

A BILL FOR AN ACT relating to gambling; to amend sections 9-1,101, 9-1,104, 9-201 to 9-204, 9-206, 9-207, 9-209, 9-209.01, 9-210, 9-211, 9-212, 9-214, 9-214.01, 9-217, 9-220, 9-225, 9-226, 9-226.01, 9-227, 9-228, 9-230, 9-233, 9-237, 9-255, 9-262.01, 9-264, 9-266, 9-301, 9-303, 9-304, 9-309, 9-310, 9-314.01, 9-315, 9-322, 9-324, 9-327 to 9-329.02, 9-330, 9-331, 9-332, 9-334, 9-335, 9-336, 9-340, 9-342, 9-344, 9-345.01, 9-346, 9-347, 9-348, 9-348.01, 9-349, 9-401, 9-403, 9-404, 9-407, 9-408, 9-409, 9-418, 9-420, 9-424, 9-425, 9-427, 9-429, 9-508, 9-607, 9-620, 9-624, 9-632, 9-636, 9-639, 9-642, 9-643, 9-648, and 9-701, Reissue Revised Statutes of Nebraska, 1943; to change and eliminate provisions of the Nebraska Bingo Act; to change penalties; to change, provide, and eliminate fees; to change, provide, and eliminate powers and duties related to bingo, lottery by the sale of pickle cards, lotteries, and raffles; to define and redefine terms; to harmonize provisions; and to repeal the original sections, and also sections 9-218, 9-219, 9-221, 9-222, 9-223, 9-232, 9-233.01 to 9-235.03, 9-238, 9-240, 9-242 to 9-254, and 9-256 to 9-261, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 695. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-207, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to regulation of streets and sidewalks; and to repeal the original section.

LEGISLATIVE BILL 696. Introduced by Hall, 7; Baack, 47; Fisher, 35; Horgan, 4; Wickersham, 49; Will, 8.

A BILL FOR AN ACT relating to employment; to limit certain actions by an employer based on a prospective or current employee's use of a lawful product as prescribed; to provide for damages; and to provide exceptions.

LEGISLATIVE BILL 698. Introduced by Horgan, 4.

A BILL FOR AN ACT relating to motor vehicles; to amend section 39-6,122, Revised Statutes Supplement, 1992; to provide penalties for driving under the influence of alcoholic liquor or drugs when a minor is in the vehicle; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 699. Introduced by Horgan, 4.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2301, 23-2309, 23-2309.01, 23-2331, and 84-1309.01, Reissue Revised Statutes of Nebraska, 1943, and sections 23-2310, 84-1301, 84-1310, 84-1310.01, 84-1311, and 84-1331, Revised Statutes Supplement, 1992; to change provisions relating to county and state employee retirement; to redefine terms; to change provisions relating to investment options; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 705. Introduced by Hall, 7.

A BILL FOR AN ACT relating to the state investment officer; to provide duties for the state investment officer with respect to corporations doing business in northern Ireland; and to require a report.

LEGISLATIVE BILL 706. Introduced by Hall, 7.

A BILL FOR AN ACT relating to initiative and referendum; to amend sections 19-3019, 32-504, 32-703, 32-703.01, 32-704.01, 32-705.01, 32-708, 32-710, 32-711, 32-713, 32-713.01, and 32-714, Reissue Revised Statutes of Nebraska, 1943, and sections 18-2528, 32-537, 32-702, 32-704, 32-704.02, 32-705, 32-707, 32-712, and 49-1461, Revised Statutes Supplement, 1992; to provide for filing a sample petition; to change provisions relating to determination of the ballot title and statement of the effect of a vote; to provide for review by the Attorney General, Revisor of Statutes, and Legislative Fiscal Analyst; to change requirements for petition forms; to change provisions relating to circulating petitions; to change a filing deadline and signature verification procedures; to provide for appeals and applicability of provisions; to eliminate appeal provisions, ballot provisions, and applicability provisions; to repeal the original sections, and also section 32-713.02, Reissue Revised Statutes of Nebraska, 1943, and sections 32-706 and 32-709, Revised Statutes Supplement, 1992; and to declare an emergency.

LEGISLATIVE BILL 707. Introduced by Will, 8; Lindsay, 9; Pirsch, 10; Rasmussen, 20.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 27-1103, 28-1409, and 29-2203, Reissue Revised Statutes of Nebraska, 1943; to state intent relating to battered spouse syndrome and battered person syndrome; to change provisions relating to the defenses of justification and insanity as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 708. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 81-805, Reissue Revised Statutes of Nebraska, 1943; to provide for acceptance of a gift of property as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 708A. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 708, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 711. Introduced by Byars, 30.

A BILL FOR AN ACT relating to child support; to amend sections 42-364.13, 42-763, 42-773, 42-779, 42-799, 43-1711, 43-1712, and 43-1733, Reissue Revised Statutes of Nebraska, 1943, and sections 43-1708, 43-1720, 43-1722 to 43-1726, 43-1728, and 43-1737, Revised Statutes Supplement, 1992; to change provisions relating to the Income Withholding for Child Support Act and the Revised Uniform Reciprocal Enforcement of Support Act; to redefine terms; to change provisions relating to income withholding for child, spousal, or medical support; to change provisions relating to notices required under the act; to provide and change duties for clerks of the district court, county attorneys, authorized attorneys, and payors; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 715. Introduced by Withem, 14.

A BILL FOR AN ACT relating to community colleges; to amend section 79-1254.09, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1254.02, 79-2636, 79-2637, 79-2644, 79-2648, 79-2649, and 79-2650.09, Revised Statutes Supplement, 1992; to define terms; to provide for reductions in force and employment contracts; to eliminate obsolete provisions and provisions relating to contracts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 717. Introduced by Chambers, 11; Hall, 7; Horgan, 4; Preister, 5; Will, 8; Abboud, 12.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-602, Reissue Revised Statutes of Nebraska, 1943; to preserve the powers of the chief of police against certain labor agreement provisions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 718. Introduced by Bohlke, 33; Baack, 47; Byars, 30; Coordsen, 32; Fisher, 35; Pedersen, 39; Schellpeper, 18; Vrtiska, 1; Witek, 31.

A BILL FOR AN ACT relating to insurance; to amend section 44-513.02, Revised Statutes Supplement, 1992; to prohibit certain provisions in medical benefit contracts; and to repeal the original section.

LEGISLATIVE BILL 722. Introduced by Cudaback, 36; Bernard-Stevens, 42; Schimek, 27.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 13-502, 13-504, 13-511, 16-691, 16-701, 16-704, 17-701, 17-706, and 17-802, Reissue Revised Statutes of Nebraska, 1943, and sections 13-508, 77-1601, 79-810, 79-903, and 79-2210, Revised Statutes Supplement, 1992; to adopt the Municipal Proprietary Function Act and the Municipal Miscellaneous Expenditure Act; to change provisions of the Nebraska Budget Act; to change certain fiscal years and appropriation provisions; to change the levy date for property taxes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 727. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the register of deeds; to amend section 23-1506, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the recording of plats, subdivisions, and conveyances as prescribed; and to repeal the original section.

LEGISLATIVE BILL 728. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Nebraska Pickle Card Lottery Act; to amend sections 9-329.01, 9-340, 9-342, and 9-347, Reissue Revised Statutes of Nebraska, 1943; to eliminate certain qualifications for and restrictions on sales agents; to change restrictions on pickle cards; to provide for orders for the purchase of pickle cards; to change restrictions on the use of definite profits; and to repeal the original sections.

LEGISLATIVE BILL 729. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to counties; to amend sections 23-901, 23-903, 23-904, and 23-906, Reissue Revised Statutes of Nebraska, 1943, and section 77-1601, Revised Statutes Supplement, 1992; to require an analysis of the operations, costs, and revenue of a county as they relate to certain classes of people in the county; to require separate county levies on property within and without cities and villages in a county; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 730. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Nebraska Lottery and Raffle Act; to amend sections 9-411 and 9-415, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 731. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to parking; to amend sections 18-1738 and 18-1738.01, Revised Statutes Supplement, 1992; to change provisions relating to handicapped or disabled parking permits as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 733. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend section 18-2701, Reissue Revised Statutes of Nebraska, 1943; to authorize the issuance of bonds; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 735. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to divorce; to amend section 42-372, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to when a divorce decree becomes final; to provide severability; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 736. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to drinking water; to adopt the Drinking Water Source Quality Act.

LEGISLATIVE BILL 737. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend sections 81-801 and 81-801.01, Reissue Revised Statutes of Nebraska, 1943; to change the number of members and their qualifications; to require the Legislature to redistrict the state for purposes of appointing members to the commission; and to repeal the original sections.

LEGISLATIVE BILL 738. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to real estate; to amend section 76-1005, Reissue Revised Statutes of Nebraska, 1943, and sections 44-1947 and 44-1951, Revised Statutes Supplement, 1992; to adopt the Real Estate Closing Act; to change provisions relating to trust deeds; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 740. Introduced by Wesely, 26; Hall, 7.

A BILL FOR AN ACT relating to certificates of need; to amend section 71-5801, Revised Statutes Supplement, 1992; to prohibit issuance of certificates for a one-year period for certain projects; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 741. Introduced by Wesely, 26; Hall, 7.

A BILL FOR AN ACT relating to alcoholic beverages; to amend sections 53-125, 53-160, and 53-164.01, Revised Statutes Supplement, 1992, and section 53-129, Revised Statutes Supplement, 1992, as amended by section 10, Legislative Bill 183, Ninety-third Legislature, First Session, 1993; to change provisions relating to conditions for issuance of a license, changes in premises, and taxes on alcoholic beverages; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 744. Introduced by Fisher, 35; Bohlke, 33; Byars, 30; Coordsen, 32; Pedersen, 39; Schellpeper, 18; Wickersham, 49; Witek, 31.

A BILL FOR AN ACT relating to insurance; to require health benefit programs; to provide an open enrollment period to pharmacies as prescribed.

LEGISLATIVE BILL 747. Introduced by Elmer, 38.

A BILL FOR AN ACT relating to liens; to amend sections 52-118 and 52-118.02, Revised Statutes Supplement, 1992; to change provisions relating to labor payment bonds for public building construction projects; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 748. Introduced by Elmer, 38.

A BILL FOR AN ACT relating to low-level radioactive waste; to accept certain real estate on behalf of the state as prescribed.

LEGISLATIVE BILL 749. Introduced by Fisher, 35; Crosby, 29; Cudaback, 36; Elmer, 38; Hohenstein, 17; Hudkins, 21; Lynch, 13;

Pedersen, 39; Pirsch, 10; Schellpeper, 18; Schmitt, 41; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to motor vehicles; to amend section 44-515, Reissue Revised Statutes of Nebraska, 1943, and section 60-462, Revised Statutes Supplement, 1992; to authorize the suspension of driving privileges for certain juveniles as prescribed; to prohibit cancellation of insurance coverage as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 751. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to water; to state intent; to provide notice of possible future laws, rules, and regulations integrating the management of ground water and surface water; to provide duties for the Department of Water Resources and water well contractors and drilling supervisors; to authorize prohibitions on the use of certain wells; and to declare an emergency.

LEGISLATIVE BILL 753. Introduced by Coordsen, 32; Ashford, 6; Elmer, 38; Hohenstein, 17; Pirsch, 10.

A BILL FOR AN ACT relating to employment security; to amend sections 48-624 and 48-628, Revised Statutes Supplement, 1992; to change the unemployment table as prescribed; to define a term; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 754. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to workers' compensation; to authorize pooling by self-insurers; and to provide powers and duties for the Director of Insurance.

LEGISLATIVE BILL 754A. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 754, Ninety-third Legislature, First Session, 1993.

LEGISLATIVE BILL 755. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-3801, 79-3803, and 79-3813, Revised Statutes Supplement, 1992; to provide for additional state aid as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 758. Introduced by Will, 8.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-516.08, Revised Statutes Supplement, 1992; to change provisions relating to student population requirements for cooperative programs and contracting for instruction; and to repeal the original section.

LEGISLATIVE BILL 759. Introduced by Landis, 46.

A BILL FOR AN ACT relating to bonds; to amend section 10-140, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to recording requirements; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 760. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to homesteads; to amend section 40-115, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 762. Introduced by Kristensen, 37; Baack, 47; Crosby, 29; Cudaback, 36; Day, 19; Haberman, 44; Hartnett, 45; Hillman, 48; Lynch, 13; Schellpeper, 18; Warner, 25.

A BILL FOR AN ACT relating to state district attorneys; to amend sections 2-955, 2-963, 2-10,115, 2-2605, 2-2612, 2-3008, 2-3109, 2-3524, 2-3909, 2-3945, 8-1,121, 8-1,137, 8-1117, 8-1729, 9-262, 9-266, 9-350, 9-352, 9-356, 9-434, 9-652, 9-653, 9-701, 11-119, 12-1206, 12-1207, 12-1208, 20-139, 23-1201, 23-1202, 23-1206, 23-1206.01, 23-1212, 23-1216, 23-1217, 23-1218, 23-1219, 23-1220, 23-1222, 23-1223, 23-1710, 23-1711, 23-3401, 24-318, 25-21,122, 25-21,123, 25-21,147, 25-21,148, 28-374, 28-378, 28-387, 28-412, 28-431, 28-1440, 28-1441, 28-1449, 29-104, 29-118, 29-814.03, 29-826, 29-827, 29-1205, 29-1408, 29-1419, 29-1603, 29-1606, 29-1814, 29-1816, 29-1817, 29-1823, 29-1904, 29-2203, 29-2261, 29-2266, 29-2317, 29-2524.01, 29-2706, 29-2709, 29-3001, 29-3101, 29-3103, 29-3602, 29-3705, 32-1235, 37-601, 39-707, 39-1813, 42-358.08, 42-364.02, 43-250, 43-261, 43-272, 43-274, 43-276, 43-2,105, 43-512.01, 43-1733, 44-395, 44-3,134, 48-231, 48-312, 48-434, 48-667, 48-1206, 48-1817, 49-14,133, 53-138.03, 53-198, 53-199, 54-705, 54-861, 54-1383, 54-1805, 59-507, 59-828, 59-1760, 71-151, 71-1,132.36, 71-1,147.11, 71-1,220, 71-3,166, 71-506, 71-524, 71-605, 71-605.04, 71-606, 71-1915, 71-2060, 71-3514, 71-3603, 71-4306, 71-4307, 71-5123, 71-5312, 71-6007, 75-606, 76-1516, 77-378, 77-1234, 77-2612, 77-27,117, 77-3010, 77-3107, 81-2,157, 81-2,162.19, 81-508, 81-526, 81-5,117, 81-5,141, 81-1417, 81-1531.02, 81-15,109, 81-2009, 81-2126, 83-375, 83-1003, 83-1021, 83-1022, 83-1023, 83-1024, 83-1026, 83-1027, 83-1029, 83-1036, 83-1044, 83-1045, 83-1053, 83-1068, 83-1079, 83-1080, 84-204, 84-1213.01, 86-104, 86-706, 86-708, 86-709, 86-710, 86-711, and 87-301, Reissue Revised Statutes of Nebraska, 1943, sections 25-1140.09, 25-2728, 28-377, 28-611, 28-713, 28-726, 28-729, 28-730, 28-1439.03, 29-116, 29-824, 29-2011.02, 29-2011.03, 29-2315.01, 29-2316, 29-2320, 29-2321, 32-1403, 42-358, 42-358.02, 43-285, 43-290, 43-292, 43-512, 43-512.02, 43-512.03, 43-512.05, 43-512.08, 43-512.12, 43-512.13, 43-512.15, 43-512.16, 43-512.17, 43-1406, 43-1719, 43-1720, 43-1721, 43-1722, 43-1723, 43-1724, 43-1725, 43-1726, 43-1727, 43-1728, 43-1740, 43-2410, 44-386.06, 46-1138, 49-506, 49-14,103.01, 49-14,123, 54-796, 54-2291, 66-4,119, 66-728, 71-171, 71-1001, 71-6019, 71-6908, 71-7425, 77-2713, 79-2857, 81-2,147.07, 81-2,147.09, 81-2,162.16, 81-2,179, 81-2,289, 81-2,290, 81-502.04, 81-1429.01, 81-1504, 81-1508, 81-15,112, 81-1848, 81-1849, 81-1850, 81-2260, 83-383, 83-1028, 83-1043, 84-205, 84-1414, 86-701, 86-703, 86-705, 88-545, 89-196.01, 89-198, and 89-1,100, Revised Statutes Supplement, 1992, section 49-14,121, Reissue Revised Statutes of Nebraska, 1943, as amended by section 4, Legislative Bill 14, Ninety-second Legislature, Third Special Session, 1992, and section 49-617, Revised Statutes Supplement, 1992, as amended by section 3, Legislative Bill 14, Ninety-second Legislature, Third Special Session, 1992; to create state district attorney offices, prosecutorial districts, and state district attorney

nominating commissions; to provide for commission membership, the selection and appointment of state district attorneys, public hearings, and powers and duties; to provide for the filling of vacancies; to create a fund; to create the office of State District Attorney Administrator; to provide powers and duties; to define and redefine terms; to create the Nebraska State District Attorney Standards Advisory Council; to change duties of the Nebraska Commission on Law Enforcement and Criminal Justice; to eliminate provisions relating to certain powers and duties of county attorneys; to harmonize provisions; to provide an opertaive date; and to repeal the original sections, and also sections 23-1208, 23-1209, and 23-1210, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 763. Introduced by Will, 8.

A BILL FOR AN ACT relating to school districts; to authorize a special levy to cover reimbursement for certain property taxes; to provide duties for school boards and county boards; and to declare an emergency.

LEGISLATIVE BILL 765. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to corrections; to amend section 29-2262, Revised Statutes Supplement, 1992; to adopt the Community Correctional Facilities and Programs Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 766. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to handicapped persons; to amend sections 20-127, 20-128, 20-131.04, 28-1313, and 28-1314, Reissue Revised Statutes of Nebraska, 1943, and section 48-1102, Revised Statutes Supplement, 1992; to provide for assistive animals; to change provisions relating to penalties; to redefine a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 769. Introduced by Hall, 7; Schellpeper, 18.

A BILL FOR AN ACT relating to the Nebraska County City and Lottery Act; to amend sections 9-604, 9-629, and 9-629.02, Reissue Revised Statutes of Nebraska, 1943; to redefine community betterment purposes; to change provisions relating to the use of gross proceeds and the Thoroughbred Racing Assistance Fund; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 770. Introduced by Beutler, 28; Jones, 43.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend sections 37-704, 37-713 to 37-715, 37-717, and 37-719, Reissue Revised Statutes of Nebraska, 1943, and sections 37-705 and 37-706, Revised Statutes Supplement, 1992; to change provisions relating to the issuance of certain permits as prescribed; to increase certain fees; to eliminate provisions relating to the sale of certain game and fish raised or propagated under a permit; to change rule and regulation provisions; and to repeal the original sections.

LEGISLATIVE BILL 771. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Industrial Relations Act; to amend sections 48-801, 48-801.01, and 48-818, Reissue Revised Statutes of Nebraska, 1943; to define terms; to provide for the use of an economic variables test and

a concentric circle approach when establishing rates of pay; to change provisions relating to orders issued by the Commission of Industrial Relations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 773. Introduced by Beutler, 28; Bromm, 23; Elmer, 38; Jones, 43; Preister, 5.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend sections 37-227 and 37-703, Reissue Revised Statutes of Nebraska, 1943, and section 37-505, Revised Statutes Supplement, 1992; to change permit fees; and to repeal the original sections.

LEGISLATIVE BILL 776. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to initiative and referendum; to provide for determining the validity and sufficiency of signatures on petitions.

LEGISLATIVE BILL 779. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to pretrial diversion; to amend section 29-3604, Reissue Revised Statutes of Nebraska, 1943; to authorize pretrial diversion for certain violators; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 783. Introduced by Lindsay, 9, at the request of the Governor.

A BILL FOR AN ACT relating to the Board of Pardons; to amend sections 29-2264, 83-1,126, 83-1,126.01, 83-1,129, and 83-1,130, Reissue Revised Statutes of Nebraska, 1943, and section 83-1,118, Revised Statutes Supplement, 1992; to change provisions relating to the pardon application, record keeping, and restoration of civil rights; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 786. Introduced by Crosby, 29; Schellpeper, 18.

A BILL FOR AN ACT relating to schools; to amend sections 79-422, 79-438.12, 79-4,207, 79-547.04, and 79-609, Revised Statutes Supplement, 1992; to change provisions relating to levying of taxes by the school board or board of education; and to repeal the original sections.

LEGISLATIVE BILL 787. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to rehabilitation services; to amend sections 79-1446 to 79-1454, Reissue Revised Statutes of Nebraska, 1943, and section 83-1216, Revised Statutes Supplement, 1992, as amended by section 1, Legislative Bill 4, Ninety-second Legislature, Third Special Session, 1992; to provide for a Division of Rehabilitation Services in the Department of Public Institutions; to provide powers and duties; to eliminate provisions relating to the Division of Rehabilitation Services in the State Department of Education and interagency agreements; to transfer sections; to harmonize provisions; and to repeal the original sections, and also section 79-1457, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 788. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to Morrill Hall; to authorize continued renovation; to appropriate funds for exhibit renovation as prescribed; and to require matching nonstate funds.

LEGISLATIVE BILL 791. Introduced by Abboud, 12; Hartnett, 45; Robak, 22.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend section 9-629, Reissue Revised Statutes of Nebraska, 1943; to eliminate the Thoroughbred Racing Assistance Fund; to harmonize provisions; and to repeal the original section, and also section 9-629.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 797. Introduced by Wesely, 26; Baack, 47; Dierks, 40; Haberman, 44; Hall, 7; Moore, 24; Rasmussen, 20; Schellpeper, 18; Warner, 25; Wehrbein, 2; Will, 8; Bernard-Stevens, 42.

A BILL FOR AN ACT relating to long-term care; to authorize a long-term care security demonstration program; to provide conditions and requirements for the program; and to provide powers and duties for the Director of Social Services, the Department of Social Services, the Director of Health, the Director on Aging, and the Director of Insurance.

LEGISLATIVE BILL 817. Introduced by Wesely, 26; Byars, 30.

A BILL FOR AN ACT relating to hospitals; to adopt the Hospital Cooperation Act.

LEGISLATIVE BILL 819. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Byars, 30; Day, 19; Dierks, 40; Horgan, 4; Vrtiska, 1.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-501.02 and 71-506, Reissue Revised Statutes of Nebraska, 1943, and sections 71-502.04 and 71-503.01, Revised Statutes Supplement, 1992; to change provisions relating to notification required of clinical laboratories; to provide services as prescribed; to provide for the reporting, informed consent, and anonymous option for human immunodeficiency virus test results; to provide that investigation results are confidential and privileged; to provide a penalty; to provide for operative dates; and to repeal the original sections.

LEGISLATIVE BILL 820. Introduced by Hall, 7; Baack, 47; Bernard-Stevens, 42; Beutler, 28; Bohlke, 33; Chambers, 11; Coordsen, 32; Haberman, 44; Hartnett, 45; Hillman, 48; Landis, 46; Lynch, 13; Warner, 25; Wesely, 26; Will, 8.

A BILL FOR AN ACT relating to the Supreme Court; to amend sections 24-208 and 24-212, Reissue Revised Statutes of Nebraska, 1943; to require the signing of court decisions by the justice principally writing the opinion; to change provisions relating to publication of opinions; and to repeal the original sections.

LEGISLATIVE BILL 823. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to economic development; to adopt the Foreign and Domestic Trade Assistance Act.

LEGISLATIVE BILL 825. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to children; to amend section 43-701, Reissue Revised Statutes of Nebraska, 1943; to prohibit certain advertisements, offers, payments of money, and other actions relating to adoption of children; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 826. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-7504, Revised Statutes Supplement, 1992; to adopt the Family Resource Centers Support Act; to redefine a term under the Community Public Health Services Act; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 827. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 68-104, 68-126, 68-133, 68-139, 68-1020, 68-1026, 71-1,107.30, 71-1,132.18, 71-2049, 71-5805.01, 71-5821.01, 71-5828, 71-5831, 71-5835, 71-5836.01, 71-5837, 71-5848, 71-5849, 71-5859, 71-5865, 71-5866, and 77-2734.02 Reissue Revised Statutes of Nebraska, 1943, sections 53-160, 60-4,115, 71-162, 71-526, 71-5801, 71-5810, 71-5830, 71-7010, and 77-1601, Revised Statutes Supplement, 1992, and section 69-1317, Reissue Revised Statutes of Nebraska, 1943, as amended by section 17, Legislative Bill 26, Ninety-second Legislature, Third Special Session, 1992, and section 77-2602, Revised Statutes Supplement, 1992, as amended by section 1, Legislative Bill 9, Ninety-second Legislature, Third Special Session, 1992; to designate the Health Care Reform Act; to adopt the Small Business Health Insurance Access Corporation Act, the Health Care Data Commission Act, the Rural Health Innovation and Enhancement Act, the Rehabilitation and Support Mental Health Services Incentive Act, and the Mental Health and Substance Abuse Treatment Act; to change provisions relating to responsibility, requirements, waivers, standards, and procedures for medical assistance to the poor; to provide for audits; to limit the total cost of medical assistance; to provide for children's mental health teams; to create the position of coordinator of children's mental health services; to create funds and provide for funding and disbursement thereof; to create and to provide powers and duties for the Commission on Health Promotion and Physical Fitness; to state intent to appropriate funds; to state intent with respect to funding the Health Care Reform Act; to change provisions relating to motor vehicle operators' license and permit fees, and license renewal fees for physicians; to require hospitals and ambulatory surgical facilities to provide readable and understandable bills; to add, change, and eliminate provisions relating to health care certificates of need; to change provisions relating to taxes on cigarettes and corporate income; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also sections 71-5818.03, 71-5825, 71-5826, 71-5829, 71-5832.01, and 71-5859.01 to 71-5859.04, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 833. Introduced by Nebraska Retirement Systems Committee: Horgan, 4, Chairperson; Crosby, 29; Day, 19; Fisher, 35; Moore, 24; Robak, 22.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2309.01, 23-2311, 23-2315, 23-2318, 23-2323, 23-2331, 24-702, 24-704 to 24-708, 24-710.02, 24-712, 48-155.01, 84-1320, and 84-1325, Reissue Revised Statutes of Nebraska, 1943, sections 23-2310, 24-701, 24-703, 24-710, 24-710.03, 24-714, 79-1501, 79-1501.01, 79-1528, 79-1531, 81-2014, 81-2015, 81-2017 to 81-2019, 81-2021, 81-2025, 81-2026, 81-2031, 81-2032, 84-1310.01, 84-1311, 84-1331, and 84-1503, Revised Statutes Supplement, 1992, and section 23-2301, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 417, Ninety-third Legislature, First Session, 1993; to change provisions relating to state and local retirement systems; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections, and also sections 79-1522.03 and 84-1312, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 837. Introduced by Wesely, 26, Baack, 47, Landis, 46, at the request of the Governor.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend sections 71-147 and 71-148, Revised Statutes Supplement, 1992; to change provisions relating to disciplinary actions; to redefine a term; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 844. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Hohenstein, 17; Lynch, 13; Wehrbein, 2.

A BILL FOR AN ACT relating to county government; to amend sections 23-1216 to 23-1218 and 23-1222, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to continuing education for county attorneys and deputy county attorneys; to change duties of the Nebraska County Attorney Standards Advisory Council and the Nebraska Commission on Law Enforcement and Criminal Justice; to eliminate mandatory continuing education requirements and a duty of the Attorney General; to harmonize provisions; and to repeal the original sections, and also sections 23-1219 to 23-1221, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE RESOLUTION 2CA. Introduced by Landis, 46; Ashford, 6; Hohenstein, 17.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article I, section 13:

I-13 "All courts shall be open, and every person, for any injury done him or her in his or her lands, goods, person, or reputation, shall have a remedy by due course of law; and justice administered without denial or delay, except that the Legislature may provide for the enforcement of mediation, binding arbitration agreements, and other forms of dispute resolution which are entered into voluntarily and which are not revocable other than upon such grounds as exist at law or in equity for the revocation of any contract.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize the Legislature to provide for enforcement of mediation, binding arbitration agreements, and other forms of dispute resolution.

For

Against".

LEGISLATIVE RESOLUTION 4CA. Introduced by Kristensen, 37.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article IV, section 2:

IV-2 "No person shall be eligible to the office of Governor, or Lieutenant Governor, who ~~shall not have~~ has not attained the age of thirty years, and who ~~shall not have~~ has not been for five years next preceding ~~his~~ election a resident and citizen of this state and a citizen of the United States.

No person shall be eligible to the office of Attorney General who has not reached the age of thirty years, who has not been for three years next preceding election a resident and citizen of this state and a citizen of the United States, and who is not admitted to practice before the Nebraska Supreme Court.

None of the appointive officers mentioned in this article shall be eligible to any other state office during the period for which they have been appointed.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to establish requirements for eligibility to serve as Attorney General.

For

Against".

LEGISLATIVE RESOLUTION 8CA. Introduced by Chambers, 11; Baack, 47; Abboud, 12; Avery, 3; Bernard-Stevens, 42; Bohlke, 33;

Bromm, 23; Coordsen, 32; Crosby, 29; Cudaback, 36; Day, 19; Dierks, 40; Elmer, 38; Haberman, 44; Hall, 7; Hartnett, 45; Hillman, 48; Horgan, 4; Hudkins, 21; Janssen, 15; Kristensen, 37; Lindsay, 9; Lynch, 13; McKenzie, 34; Preister, 5; Robak, 22; Schimek, 27; Schmitt, 41; Vrtiska, 1; Wesely, 26; Wickersham, 49; Withem, 14.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article III, section 7:

III-7 "~~At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all~~ All members shall be elected for ~~a term~~ terms of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office~~,~~ and the law providing for such redistricting shall ~~where~~ when necessary specify the newly established district which they shall represent for the balance of their ~~term~~ terms. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than ~~his or her~~ salary and expenses, ~~and employees~~ except that members of the Legislature may participate in any employee benefit programs or plans in which other state officers are authorized to participate. Employees of the Legislature shall receive no compensation other than ~~their~~ salary or per diem.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize members of the Legislature to participate in employee benefit programs or plans in which other state officers are authorized to participate.

For

Against".

LEGISLATIVE RESOLUTION 11CA. Introduced by Beutler, 28.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article IV, section 20, Article V, section 5, and Article VII, sections 3, 10, and 14, add a new section 5A to Article III, and repeal Article III, section 5:

III-5A "The Legislature shall redistrict the state after each federal decennial census. The primary basis for such redistricting shall be the population, excluding aliens, as shown by the next preceding federal decennial census. In

no case shall the population of a legislative district, at the time redistricting is done, deviate by more than two percent from the population figure obtained by dividing the population of the state by the number of legislative districts. One member of the Legislature shall be elected from each district. Districts shall be composed of contiguous territory, shall be reasonably compact in form, and may recognize existing communities of common economic interest. District boundaries should respect county and municipal lines but may deviate from such boundaries in recognition of the other standards set forth in this section. No district shall be drawn for the purpose of favoring or disfavoring a political party, an incumbent, or another person or group."

IV-20 "There shall be a Public Service Commission, consisting of not less than three nor more than seven members, as the Legislature shall prescribe, whose ~~term~~ terms of office shall be six years~~;~~ and whose compensation shall be fixed by the Legislature. Commissioners shall be elected by districts of substantially equal population as the Legislature shall provide, but in no case shall the population of a Public Service Commission district, at the time redistricting is done, deviate by more than two percent from the population figure obtained by dividing the population of the state by the number of Public Service Commission districts. The Legislature shall redistrict the state after each federal decennial census. The primary basis for such redistricting shall be the population, excluding aliens, as shown by the next preceding federal decennial census. Districts shall be composed of contiguous territory, shall be reasonably compact in form, and may recognize existing communities of common economic interest. District boundaries should respect county and municipal lines but may deviate from such boundaries in recognition of the other standards set forth in this section. No district shall be drawn for the purpose of favoring or disfavoring a political party, an incumbent, or another person or group. The powers and duties of such commission shall include the regulation of rates, service and general control of common carriers as the Legislature may provide by law. ~~But, in~~ In the absence of specific legislation, the commission shall exercise the powers and perform the duties enumerated in this provision."

V-5 "The Legislature shall divide the state into six ~~contiguous and compact~~ districts of approximately equal population~~;~~ which shall be numbered from one to six~~;~~ and which shall be known as the Supreme Court judicial districts. The Legislature shall redistrict the state after each federal decennial census. ~~In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature.~~ The primary basis for such redistricting shall be the population, excluding aliens, as shown by the next preceding federal decennial census. In no case shall the population of any Supreme Court judicial district, at the time redistricting is done, deviate by more than two percent from the population figure obtained by dividing the population of the state by the number of Supreme Court judicial districts. Districts shall be composed of contiguous territory, shall be reasonably compact in form, and may recognize existing communities of common economic interest. District boundaries should respect county and municipal lines but may deviate from such boundaries in recognition of the other standards set forth in this section. No district shall be drawn for the purpose of favoring or disfavoring a political party, an incumbent, or another person or group. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. Whenever the Supreme Court is redistricted, the judges serving prior to the redistricting shall continue in office~~;~~ and the law providing for such redistricting shall ~~where~~ when necessary specify the newly established districts which they shall represent for the balance of their terms."

VII-3 "The State Board of Education shall be composed of eight members~~,~~ who shall be elected from eight districts of substantially equal population as provided by the Legislature. The Legislature shall redistrict the state after each federal decennial census. The primary basis for such redistricting shall be the population, excluding aliens, as shown by the next preceding federal decennial census. In no case shall the population of any State Board of Education district, at the time such redistricting is done, deviate by more than two percent from the population figure obtained by dividing the population of the state by the number of State Board of Education districts. Districts shall be composed of contiguous territory, shall be reasonably compact in form, and may recognize existing communities of common economic interest. District boundaries should respect county and municipal lines but may deviate from such boundaries in recognition of the other standards set forth in this section. No district shall be drawn for the purpose of favoring or disfavoring a political party, an incumbent, or another person or group. ~~Their term~~

Terms of office of the members shall be ~~for~~ four years each. ~~Their duties~~ Duties and powers of the members shall be prescribed by the Legislature, and they shall receive no compensation~~,~~ but shall be reimbursed their actual expense incurred in the performance of their duties. The members of the State Board of Education shall not be actively engaged in the educational profession, and they shall be elected on a nonpartisan ballot."

VII-10 "The general government of the University of Nebraska shall, under the direction of the Legislature, be vested in a board of not less than six nor more than eight regents, to be designated the Board of Regents of the University of Nebraska, who shall be elected from and by districts as ~~herein~~ provided in this section, and three students of the University of Nebraska who shall serve as nonvoting members. Such nonvoting student members shall consist of the student body president of the University of Nebraska at Lincoln, the student body president of the University of Nebraska at Omaha, and the student body president of the University of Nebraska Medical Center. The terms of office of elected members shall be for six years each. The terms of office of student members shall be for the period of service as student body president. ~~Their duties~~ Duties and powers of the members shall be prescribed by law, ; and they shall receive no compensation~~,~~ but may be reimbursed their actual expenses incurred in the discharge of their duties.

The Legislature shall divide the state~~, along county lines,~~ into ~~as many compact regent~~ Board of Regents districts~~, as there are regents provided by the Legislature,~~ of approximately equal population~~,~~ which shall be numbered consecutively.

The Legislature shall redistrict the state after each federal decennial census. The primary basis for such redistricting shall be the population, excluding aliens, as shown by the next preceding federal decennial census. In no case shall the population of any Board of Regents district, at the time redistricting is done, deviate by more than two percent from the population figure obtained by dividing the population of the state by the number of Board of Regents districts. Districts shall be composed of contiguous territory, shall be reasonably compact in form, and may recognize existing communities of common economic interest. District boundaries should respect county and municipal lines but may deviate from such boundaries in recognition of the other standards set forth in this section. No district shall be drawn for the purpose of favoring or disfavoring a political party, an incumbent, or another person or group. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. ~~In any such~~

~~redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature.~~ Whenever the state is so redistricted, the members elected prior to the redistricting shall continue in office; and the law providing for such redistricting shall ~~where~~ when necessary specify the newly established district which they shall represent for the balance of their term."

VII-14 "On January 1, 1992, there shall be established the Coordinating Commission for Postsecondary Education which shall, under the direction of the Legislature, be vested with the authority for the coordination of public postsecondary educational institutions. Public postsecondary educational institutions shall include each postsecondary educational campus or institution which is governed by the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, any board or boards established for the community colleges, or any other governing board for any other public postsecondary educational institution which may be established by the Legislature.

Coordination shall mean:

(1) Authority to adopt, and revise as needed, a comprehensive statewide plan for postsecondary education which shall include (a) definitions of the role and mission of each public postsecondary educational institution within any general assignments of role and mission as may be prescribed by the Legislature and (b) plans for facilities which utilize tax funds designated by the Legislature;

(2) Authority to review, monitor, and approve or disapprove each public postsecondary educational institution's programs and capital construction projects which utilize tax funds designated by the Legislature in order to provide compliance and consistency with the comprehensive plan and to prevent unnecessary duplication; and

(3) Authority to review and modify, if needed to promote compliance and consistency with the comprehensive statewide plan and prevent unnecessary duplication, the budget requests of the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, any board or boards established for the community colleges, or any other governing board for any other public postsecondary educational institution which may be established by the Legislature.

The Legislature may provide the commission with additional powers and duties related to postsecondary education as long as such powers and duties do not invade the governance and management authority of the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges as provided in the Constitution of Nebraska, Article VII, sections 10 and 13. The Legislature may provide that coordination of the community colleges by the commission pursuant to this section may be conducted through a board or association representing all the community colleges.

Nothing in this section providing for statewide coordination shall limit or require the use of property tax revenue by and for community colleges.

The commission shall consist of eleven members, residents of the state or the districts for which appointed, who shall be appointed by the Governor with the approval of a majority of the Legislature. Six of the members shall be chosen from ~~six~~ districts of approximately equal population as provided by the Legislature and five shall be chosen on a statewide basis.

The Legislature shall redistrict the state after each federal decennial census. The primary basis for such redistricting shall be the population, excluding aliens, as shown by the next preceding federal decennial census, and in no case shall the population of any Coordinating Commission for Postsecondary Education district, at the time redistricting is done, deviate by more than two

percent from the population figure obtained by dividing the population of the state by the number of Coordinating Commission for Postsecondary Education districts. Districts shall be composed of contiguous territory, shall be reasonably compact in form, and may recognize existing communities of common economic interest. District boundaries should respect county and municipal lines but may deviate from such lines in recognition of the other standards set forth in this section. No district shall be drawn for the purpose of favoring or disfavoring a political party, an incumbent, or another person or group.

The terms of the members of the commission shall be six years or until a successor is qualified and takes office, except that of the members initially appointed, four members shall serve for terms of two years and four members shall serve for terms of four years. The members of the commission shall receive no compensation for the performance of their duties but may be reimbursed their actual and necessary expenses."

III-5 "Article III, section 5, of the Constitution of Nebraska is repealed.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to change and provide standards for redistricting legislative, Public Service Commission, State Board of Education, Board of Regents, and Coordinating Commission for Postsecondary Education districts and Supreme Court judicial districts.

For

Against".

LEGISLATIVE RESOLUTION 12CA. Introduced by Baack, 47.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the primary election in May 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article III, section 7 and Article III, section 19:

III-7 ~~"At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all~~ All members of the Legislature shall be elected for ~~a term~~ terms of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall ~~where~~ when necessary specify the newly established district which they shall represent for the balance of their ~~term~~ terms. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month ~~during the term of his or her office~~ except that the amount may be adjusted to reflect changes in the cost of living and wage levels that have occurred subsequent to 1988. In addition to his or her salary as so adjusted, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than ~~his or her~~ the salary adjusted as provided in this section and expenses, and

employees of the Legislature shall receive no compensation other than ~~their~~ salary or per diem."

III-19 "(1) The Legislature shall never grant any extra compensation to any public officer, agent, or servant after the services have been rendered nor to any contractor after the contract has been entered into, except that (a) retirement benefits of retired public officers and employees may be adjusted to reflect changes in the cost of living and wage levels that have occurred subsequent to the date of retirement~~, nor shall the~~ and (b) the salaries of members of the Legislature may be adjusted as provided in Article III, section 7, of the Constitution of Nebraska.

(2) The compensation of any public officer, including any officer whose compensation is fixed by the Legislature, shall not be increased or diminished during his or her term of office except that~~,~~ (a) when there are members elected or appointed to the Legislature or officers elected or appointed to a court, board, or commission having more than one member and the terms of one or more members commence and end at different times, the compensation of all members of the Legislature or of such court, board, or commission may be increased or diminished at the beginning of the full term of any member thereof and (b) the salaries of members of the Legislature may be adjusted to reflect changes in the cost of living and wage levels as provided in Article III, section 7, of the Constitution of Nebraska. Nothing in this section shall prevent local governing bodies from reviewing and adjusting vested pension benefits periodically as prescribed by ordinance.

(3) The surviving spouse of any retired public officer, agent, or servant~~,~~ who has retired under a pension plan or system~~,~~ shall be considered as having pensionable status and shall be entitled to the same benefits which may, at any time, be provided for or available to spouses of other public officers, agents, or servants who have retired under such pension plan or system at a later date, and such benefits shall not be prohibited by the restrictions of this section or of Article XIII, section 3, of the Constitution of Nebraska.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment providing for an annual adjustment in legislators' salaries to reflect changes in the cost of living.

For

Against".

LEGISLATIVE RESOLUTION 14CA. Introduced by Horgan, 4.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article III, sections 5 and 7, Article IV, section 20, Article V, section 5, Article VII, sections 3 and 10, and add a new section 24 to Article XV:

XV-24 "(1) In January of each year following the federal decennial census and after the newly elected officers are sworn in, a Nebraska Redistricting Commission shall be established to provide for the redistricting of congressional, legislative, Public Service Commission, State Board of Education, and Board of Regents districts and Supreme Court judicial districts.

(2) The Nebraska Redistricting Commission shall consist of nine members as prescribed in this section. Three of the members shall be appointed by the Legislature, three by the Governor, and three by the Chief Justice of the Supreme Court, with the approval of a majority of the Legislature. The Speaker of the Legislature, the chairperson of the Executive Board of the Legislature, and the chairperson of the committee of the Legislature to which redistricting bills are referenced shall each appoint one of the legislative appointees. The respective appointing authority shall fill any vacancy. The members of the commission shall choose a chairperson from among the membership.

(3) The appointments shall be made as provided by law so that:

(a) No more than four members are affiliated with the same political party;

(b) One member is not affiliated with the two political parties having the highest statewide membership; and

(c) There is a balance of representation from all congressional districts.

(4) To be eligible to be appointed as a member of the commission, a person shall be an elector of the State of Nebraska as provided in Article VI of this Constitution and shall not:

(a) Hold or have held public office or an office in a political party or political committee within two years prior to appointment to the commission;

(b) Be a relative or employee of a member of the Legislature, a member of the Congress of the United States, or a member of any board or commission which is to be redistricted by the Nebraska Redistricting Commission;

(c) Have lobbied the Legislature or the Congress of the United States for compensation within two years prior to appointment to the commission; and

(d) Have campaigned for elective office within two years prior to appointment to the commission.

(5) Commission members shall be ineligible to be elected or appointed to the Legislature, the Congress of the United States, the Board of Regents, the State Board of Education, or the Public Service Commission or to be appointed to serve as a member of the Supreme Court for four years after the latest effective date of any of the redistricting plans. No commission member shall lobby the Legislature or the Congress of the United States for compensation for one year after the latest effective date of any of the redistricting plans.

(6) Within ninety days after the commission has been convened or within ninety days after the necessary census data become available, whichever is sooner, the commission shall publish preliminary plans for redistricting and shall hold public hearings in several locations throughout the state as soon as practicable after the date of such publication. After completion of the hearings, the commission shall finalize and approve plans by a vote of the majority of the commission membership and present the plans to the Legislature. If any of the redistricting plans fails to be approved by a majority of the Legislature, the Legislature shall return the plan or plans to the commission with its recommendations as to why the plan or plans were not approved. The only basis for rejection by the Legislature shall be a challenge to a redistricting plan based on standards enumerated in the Constitution of Nebraska or the Constitution of the United States.

If the Legislature fails to approve a redistricting plan after three plans have been submitted by the commission to the Legislature or by September 1 of the year in which the commission convenes, whichever is earlier, the third or final plan submitted by the commission shall be submitted by the Clerk of the Legislature to the Supreme Court for a determination as to whether the plan complies with the standards enumerated in this Constitution and the Constitution of the United States. The Supreme Court shall then adopt or cause to be adopted a redistricting plan which complies with such

requirements. The commission shall file a copy of each plan approved by the Legislature or the Supreme Court with the Secretary of State. Upon such filings, the commission shall be dissolved.

(7) The members of the Legislature, Public Service Commission, State Board of Education, Board of Regents, and Supreme Court in office prior to the filing of the plans shall continue in office, and the plans shall, as necessary, specify the newly established districts which they will represent for the balance of their terms."

III-5 "~~At the regular session of the Legislature held in the year nineteen hundred and thirty-five the~~ The Legislature shall by law determine the number of members to be elected to the Legislature. The state shall be divided ~~and divide the state~~ into legislative districts as provided in Article XV, section 24, of this Constitution, after each federal decennial census. In the creation of such districts, any county that contains population sufficient to entitle it to two or more members of the Legislature shall be divided into separate and distinct legislative districts, as nearly equal in population as may be and composed of contiguous and compact territory. One member of the Legislature shall be elected from each such district. The basis of apportionment shall be the population excluding aliens, as shown by the next preceding federal decennial census. ~~The Legislature shall redistrict the state after each federal decennial census.~~ In ~~any such~~ redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature."

III-7 "At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. ~~When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term.~~ Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than his or her salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem."

IV-20 "There shall be a Public Service Commission, consisting of not less than three nor more than seven members, as the Legislature shall prescribe, whose ~~term~~ terms of office shall be six years; and whose compensation shall be fixed by the Legislature. Commissioners shall be elected by districts of substantially equal population. The state shall be divided into districts for Public Service Commissioners as provided in Article XV, section 24, of this Constitution, after each federal decennial census. ~~as the Legislature shall provide.~~ The powers and duties of such commission shall include the regulation of rates, service and general control of common carriers as the Legislature may provide by law. ~~But, in~~ In the absence of specific legislation, the commission shall exercise the powers and perform the duties enumerated in this provision."

V-5 "The ~~Legislature shall divide the~~ state shall be divided into six contiguous and compact districts of approximately equal population~~, which~~ as provided in Article XV, section 24, of the Constitution, after each federal decennial census. The districts shall be numbered from one to six~~, which~~ and shall be known as the Supreme Court judicial districts. ~~The Legislature shall redistrict the state after each federal decennial census.~~ In ~~any such~~ redistricting, county lines shall be followed whenever practicable, but other established lines may be followed~~, at the discretion of the Legislature. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. Whenever the Supreme Court is redistricted, the judges serving prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established districts which they shall represent for the balance of their terms.~~"

VII-3 "The State Board of Education shall be composed of eight members~~,~~ who shall be elected from eight districts of substantially equal population. The state shall be divided into such districts as provided in Article XV, section 24, of this Constitution, after each federal decennial census. ~~as provided by the Legislature.~~ Their ~~term~~ terms of office shall be for four years each. Their duties and powers shall be prescribed by the Legislature, and they shall receive no compensation~~,~~ but shall be reimbursed their actual expense incurred in the performance of their duties. The members of the State Board of Education shall not be actively engaged in the educational profession, and they shall be elected on a nonpartisan ballot."

VII-10 "The general government of the University of Nebraska shall, under the direction of the Legislature, be vested in a board of not less than six nor more than eight regents to be designated the Board of Regents of the University of Nebraska, who shall be elected from and by districts ~~as herein provided~~ and three students of the University of Nebraska who shall serve as nonvoting members. Such nonvoting student members shall consist of the student body president of the University of Nebraska at Lincoln, the student body president of the University of Nebraska at Omaha, and the student body president of the University of Nebraska Medical Center. The terms of office of elected members shall be for six years each. The terms of office of student members shall be for the period of service as student body president. Their duties and powers shall be prescribed by law, ; and they shall receive no compensation~~;~~ but may be reimbursed their actual expenses incurred in the discharge of their duties.

The ~~Legislature shall divide the~~ state shall be divided, along county lines, into as many compact regent districts~~,~~ as there are regents provided by the Legislature, of approximately equal population~~, which~~ as provided in Article XV, section 24, of this Constitution, after each federal decennial census. The regent districts shall be numbered consecutively. ~~The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature.~~ In ~~any such~~ redistricting, county lines shall be followed whenever practicable, but other established lines may be followed~~, at the discretion of the Legislature. Whenever the state is so redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term.~~".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to create the Nebraska Redistricting Commission to provide for the redistricting of congressional, legislative, Public Service Commission, State Board of Education, and Board of Regents districts and Supreme Court judicial districts and to eliminate provisions relating to redistricting by the Legislature.
For
Against".

LEGISLATIVE RESOLUTION 15CA. Introduced by Kristensen, 37.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article III, section 14:

III-14 "Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member. The ~~, and the~~ bill and all amendments thereto shall be printed and presented ~~read at large~~ before the vote is taken upon its final passage and shall be read at large when directed by a vote of one-fourth of all members elected. No ~~such~~ vote upon the final passage of any bill shall be taken~~, however,~~ until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the ~~same~~ subject shall be clearly expressed in the title. ~~And no~~ No law shall be amended unless the new act contain the section or sections as amended and the section or sections so amended shall be repealed. The Lieutenant Governor, or the Speaker if acting as presiding officer, shall sign, in the presence of the Legislature while the same is in session and capable of transacting business, all bills and resolutions passed by the Legislature.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize the Legislature to vote upon final passage of a bill when the bill and all amendments thereto are printed and presented unless a reading at large is directed by one-fourth of the members elected.
For
Against".

LEGISLATIVE RESOLUTION 16. Introduced by Coordsen, 32; Abboud, 12; Robinson, 16; Crosby, 29; Jones, 43; Vrtiska, 1; McKenzie, 34; Hudkins, 21; Hohenstein, 17; Schmitt, 41; Janssen, 15; Avery, 3; Witek, 31; Pedersen, 39; Fisher, 35; Bromm, 23; Haberman, 44; Cudaback, 36; Wehrbein, 2; Dierks, 40; Schellpeper, 18; Elmer, 38; Wickersham, 49; Robak, 22; Pirsch, 10; Byars, 30; Warner, 25.

WHEREAS, although the right of free expression is part of the foundation of the Constitution of the United States, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and defining other societal standards; and

WHEREAS, certain actions, although arguably related to a person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of other citizens; and

WHEREAS, there are symbols of our national soul, such as the Washington Monument, the United States Capitol, and memorials to our greatest leaders, which are the property of every American and are worthy of protection from desecration and dishonor; and

WHEREAS, the United States Flag is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, a nation that remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

WHEREAS, the law as interpreted by the United States Supreme Court no longer accords the Stars and Stripes the reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

WHEREAS, it is only fitting that people everywhere should lend their voices to a forceful call for restoration of the Stars and Stripes to a proper station under law and decency.

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

1. That the Legislature hereby memorializes the Congress of the United States to propose to the states an amendment to the Constitution of the United States which specifies that Congress and the states have the power to prohibit the physical desecration of the United States Flag.

2. That the Clerk of the Legislature transmit a copy of this resolution to the Speaker of the House of Representatives and President of the Senate of the Congress of the United States, to all members of the Nebraska delegation to the Congress of the United States, and to the President of the United States with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States.

LEGISLATIVE RESOLUTION 18CA. Introduced by Beutler, 28.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to add a new section 3A to Article III:

III-3A "The Legislature may enact laws expressly conditioned upon ratification by the people.

The veto power of the Governor shall not extend to such laws. A law enacted by the Legislature expressly conditioned upon ratification by the people shall become a law when a majority of the votes cast thereon at the election at which the law was submitted, and not less than thirty-five percent of the total vote cast at the election, are cast in favor thereof, and shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of such votes. The vote shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

All laws submitted pursuant to this section shall be submitted in a nonpartisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize the Legislature to enact laws expressly conditioned upon ratification by the people, to prohibit the veto power of the Governor from extending to such laws, and to provide for the manner of submission and adoption of such laws.
For
Against".

LEGISLATIVE RESOLUTION 19CA. Introduced by Bromm, 23.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to add a new section 14 to Article VIII:

VIII-14 "The Legislature may provide by law that each city, village, or metropolitan utilities district which acquires or has acquired real property outside of the county in which the city or village is located or outside of any county which is in whole or in part served by the metropolitan utilities district for water supply purposes shall annually make payments in lieu of taxes to the county within which the real property or any portion is located. The amount of the payments in lieu of taxes shall be determined based on the use the real property had at the time of acquisition and without regard to any value which the real property might have for other purposes or uses.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize the Legislature to require payments in lieu of taxes to counties by cities, villages, and metropolitan utilities districts for real property acquired for water supply purposes.
For
Against".

LEGISLATIVE RESOLUTION 21CA. Introduced by Warner, 25; Bromm, 23; Fisher, 35; Pedersen, 39; Schellpeper, 18; Witek, 31.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to add a new section 14 to Article VIII:

VIII-14 "Money derived from sales or use taxes imposed by the state on motor vehicles, trailers, or semitrailers, from fees or excises imposed by the state relating to the registration, licensure, ownership, operation, or use of such vehicles on the public highways, roads, or streets, or from taxes, fees, or excises imposed by the state relating to fuel used for the propulsion of such vehicles shall not be expended for any purpose other than the cost of administering laws under which such money is derived, statutory refunds and adjustments provided by such laws, the payment of highway obligations, including highway construction bonds authorized by Article XIII, section 1, of this Constitution, and the cost of construction, reconstruction, maintenance, and repair of public highways and bridges and county, city, township, and village

roads, streets, bridges, and offstreet public parking owned by a municipality. This section shall not apply to money derived from motor vehicle operator's license fees.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide that the money from taxes, fees, and excises imposed on (1) the sale or use of motor vehicles, trailers, or semitrailers, (2) registration, licensure, ownership, operation, or use of such vehicles or trailers, and (3) fuel used to propel such vehicles or trailers shall be used only for the purposes of administration of the tax, fee, or excise, payment of highway obligations, including highway construction bonds, and construction, reconstruction, maintenance, and repair of highways, streets, roads, bridges, and offstreet public parking owned by a municipality.

For

Against".

LEGISLATIVE RESOLUTION 22CA. Introduced by Beutler, 28.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article III, section 2, and Article XVI, section 1, and add a new section 4A to Article III:

III-2 "The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition ~~be~~ is for the enactment of a law, it shall be signed by seven percent of the registered voters of the state, and if the petition ~~be~~ is for the amendment of ~~the~~ this Constitution, the petition therefor shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election ~~be~~ pursuant to this section are approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative."

III-4A "The Legislature may propose laws and constitutional amendments as alternatives to measures proposed pursuant to Article III, section 2, of this Constitution.

The veto power of the Governor shall not extend to such measures. A measure submitted by the Legislature pursuant to this section shall become a law or part of this Constitution when a majority of the votes cast thereon at the election at which the measure was submitted, and not less than thirty-five percent of the total vote cast at the election, are cast in favor thereof, and shall

take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of such votes. The vote shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

All measures submitted pursuant to this section shall be submitted in a nonpartisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot.

If a measure submitted pursuant to this section conflicts with a measure submitted pursuant to Article III, section 2, of this Constitution, and both are approved by the people at the same election, the one receiving the highest number of affirmative votes shall thereby become law."

XVI-1 "The Legislature may propose amendments to this Constitution. ~~If the same be~~ Such amendments may be presented on the ballot as alternative measures to measures initiated by the people pursuant to Article III, section 4A, of this Constitution, or may be presented independently of measures initiated by the people. If the proposed amendments are agreed to by three-fifths of the members elected to the Legislature, such proposed amendments shall be entered on the journal, with yeas and nays, and published once each week for three consecutive weeks, in at least one newspaper in each county, where a newspaper is published, immediately preceding the next election of members of the Legislature or a special election called by the vote of four-fifths of the members elected to the Legislature for the purpose of submitting such proposed amendments to the electors. ~~At such election said amendments shall be submitted to the electors for approval or rejection upon a ballot separate from that upon which the names of candidates appear.~~ If a majority of the electors voting on any such amendment adopt the same, it shall become a part of this Constitution, provided the votes cast in favor of such amendment shall not be less than thirty-five ~~per cent~~ percent of the total votes cast at such election. ~~When~~ Except for amendments submitted pursuant to Article III, section 4A, of this Constitution, when two or more amendments are submitted at the same election, they shall be so submitted as to enable the electors to vote on each amendment separately.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize the Legislature to offer alternative measures to measures initiated by the people, to prohibit the veto power of the Governor from extending to such measures, and to provide for the manner of submission and adoption of such measures.

For

Against".

LEGISLATIVE RESOLUTION 26CA. Introduced by Crosby, 29.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article IV, sections 1, 3, and 28, and Article XV, section 21, and add a new section 29 to Article IV:

IV-1 "The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, ~~Auditor of Public Accounts, Treasurer~~ State Comptroller, Attorney General, and the heads of such other executive

departments as set forth herein or as may be established by law. The Legislature may provide for the placing of the ~~above named~~ officers named in this section as heads over such departments of government as it may by law establish.

The Governor, Lieutenant Governor, Attorney General, and Secretary of State~~, Auditor of Public Accounts and the Treasurer~~ shall be chosen at the general election held in November, ~~1974~~ 1998, and in each alternate even-numbered year thereafter, for ~~a term~~ terms of four years and until their successors ~~shall be~~ are elected and qualified. The State Comptroller shall be appointed as provided in Article IV, section 29, of this Constitution.

In the general election one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor nominated by the same party. The Governor shall be ineligible to the office of Governor for four years next after the expiration of two consecutive terms for which he was elected.

The records, books, and papers of all executive officers shall be kept at the seat of government, and such officers, excepting the Lieutenant Governor and members of boards and commissions when the board or commission is the head of an executive department, shall reside there during their respective terms of office. Officers in the executive department of the state shall perform such duties as may be provided by law. The heads of all executive departments established by law, other than those to be elected as provided ~~herein~~ in this section, shall be appointed by the Governor, with the consent of a majority of all members elected to the Legislature, but officers so appointed may be removed by the Governor. Subject to the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments."

IV-3 "The Lieutenant Governor, Secretary of State, ~~Auditor of Public Accounts, Treasurer,~~ Attorney General, and members of the Public Service Commission shall be ineligible to file for reelection to those respective offices and shall be ineligible to serve in those respective offices for a number of years equal to the number of years in the term for which they were last elected, next after the expiration of the second of two consecutive terms for which previously elected, and as further provided in Article XV, section ~~Section~~ 21, of this Constitution."

IV-28 "A Tax Commissioner shall be appointed by the Governor with the advice and consent of the Senate. ~~He~~ The Tax Commissioner shall have jurisdiction over the administration of the revenue laws of the state, and together with the Governor, Secretary of State, ~~State Auditor~~ and State ~~Treasurer~~ Comptroller shall have power to review and equalize assessments of property for taxation within the state. ~~He~~ The Tax Commissioner shall have such other powers and perform such other duties as the Legislature may provide. ~~His~~ The term of office and compensation of the Tax Commissioner shall be as provided by law."

IV-29 "The State Comptroller shall be appointed by the Governor with the consent of a majority of the members elected to the Legislature. The State Comptroller shall serve for a term of six years and until his or her successor is appointed and qualified. The duties and compensation of the State Comptroller shall be as provided by law."

XV-21 "The ~~following~~ provisions of this section shall apply to the state offices of Lieutenant Governor, Secretary of State, ~~Auditor of Public Accounts, Treasurer,~~ Attorney General, members of the ~~State~~ Legislature, elected members of the Public Service Commission, elected members of the State Board of Education, and elected members of the Board of Regents of the University of Nebraska:

(1) ~~(a)~~ No person shall be appointed to serve in an office previously held by election;

(2) ~~(b)~~ A portion of a term held and being served by appointment shall not come under the restrictive covenants set forth herein; and

(3) ~~(c)~~ The term held and being served as the result of an election prior to ~~the effective date of this amendment~~ November 30, 1992, shall not be included in the number of consecutive terms referred to in stipulating ineligibility to file for election or to serve for any of the offices named in this initiative petition.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to eliminate the offices of Auditor of Public Accounts and State Treasurer and to provide for appointment of the State Comptroller.

For

Against".

LEGISLATIVE RESOLUTION 27CA. Introduced by Rasmussen, 20.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article II, section 1:

II-1 "The powers of the government of this state are divided into three distinct departments, the legislative, executive, and judicial, and no person or collection of persons ~~being~~ charged with the exercise of powers belonging to one of these departments, shall exercise any ~~power~~ powers properly belonging to either of the others, except as ~~hereinafter~~ otherwise expressly directed or permitted in this Constitution.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide that no person charged with the exercise of powers properly belonging to one of the three distinct departments of government of this state shall exercise any powers properly belonging to either of the other departments.

For

Against".

LEGISLATIVE RESOLUTION 28CA. Introduced by Beutler, 28.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article V, section 30:

V-30 "(1) A Justice or Judge of the Supreme Court or judge of any court of this state may be reprimanded, disciplined, censured, suspended without pay for a definite period of time, not to exceed six months, or removed from office for (a) willful misconduct in office, (b) willful disregard of or failure to perform his or her duties, (c) habitual intemperance, (d) conviction of a crime involving

moral turpitude, (e) disbarment as a member of the legal profession licensed to practice law in the State of Nebraska, ~~or~~ (f) inadequate level of competence to efficiently perform the duties of the office, or (g) conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or he or she may be retired for physical or mental disability seriously interfering with the performance of his or her duties if such disability is determined to be permanent or reasonably likely to become permanent.

Any citizen of the State of Nebraska may request the Commission on Judicial Qualifications to consider the qualifications of any Justice or Judge of the Supreme Court or other judge, and in such event the commission shall make such investigation as the commission deems necessary and shall, upon a finding of probable cause, reprimand such Justice or Judge of the Supreme Court or other judge or order a formal open hearing to be held before it concerning the reprimand, discipline, censure, suspension, removal, or retirement of such Justice or Judge of the Supreme Court or other judge. In the alternative or in addition, the commission may request the Supreme Court to appoint one or more special masters who shall be judges of courts of record to hold a formal open hearing to take evidence in any such matter, and to report to the commission. If, after formal open hearing, or after considering the record and report of the masters, the commission finds that the charges are established by clear and convincing evidence, it shall recommend to the Supreme Court that the Justice or Judge of the Supreme Court or other judge involved ~~shall~~ be reprimanded, disciplined, censured, suspended without pay for a definite period of time not to exceed six months, removed, or retired as the case may be.

The commission shall on its own motion consider the qualifications of a judge, following the procedures established in this section, when any poll conducted by the Nebraska State Bar Association indicates a serious lack of confidence on the part of practicing attorneys in the performance of such judge.

(2) The Supreme Court shall review the record of the proceedings and in its discretion may permit the introduction of additional evidence. The Supreme Court shall make such determination as it finds just and proper, and may order the reprimand, discipline, censure, suspension, removal, or retirement of such Justice or Judge of the Supreme Court or other judge, or may wholly reject the recommendation. Upon an order for retirement, the Justice or Judge of the Supreme Court or other judge shall thereby be retired with the same rights and privileges as if he or she had retired pursuant to statute. Upon an order for removal, the Justice or Judge of the Supreme Court or other judge shall be removed from office, his or her salary shall cease from the date of such order, and he or she shall be ineligible for judicial office. Upon an order for suspension, the Justice or Judge of the Supreme Court or other judge shall draw no salary and shall perform no judicial functions during the period of suspension. Suspension shall not create a vacancy in the office of Justice or Judge of the Supreme Court or other judge.

(3) Upon order of the Supreme Court, a Justice or Judge of the Supreme Court or other judge shall be disqualified from acting as a Justice or Judge of the Supreme Court or other judge, without loss of salary, while there is pending (a) an indictment or information charging him or her in the United States with a crime punishable as a felony under Nebraska or federal law or (b) a recommendation to the Supreme Court by the Commission on Judicial Qualifications for his or her removal or retirement.

(4) In addition to the procedure set forth in subsections (1) and (2) of this section, on recommendation of the Commission on Judicial Qualifications or on its own motion, the Supreme Court (a) shall remove a Justice or Judge of the

Supreme Court or other judge from office when in any court in the United States such justice or judge pleads guilty or no contest to a crime punishable as a felony under Nebraska or federal law; and (b) may suspend a Justice or Judge of the Supreme Court or other judge from office without salary when in any court in the United States such justice or judge is found guilty of a crime punishable as a felony under Nebraska or federal law or of any other crime that involves moral turpitude. If his or her conviction is reversed, suspension shall terminate and he or she shall be paid his or her salary for the period of suspension. If he or she is suspended and his or her conviction becomes final, the Supreme Court shall remove him or her from office.

(5) All papers filed with and proceedings before the ~~commission~~ Commission on Judicial Qualifications or masters appointed by the Supreme Court pursuant to this section prior to a reprimand or formal open hearing shall be confidential. The filing of papers with and the testimony given before the commission or masters or the Supreme Court shall be deemed a privileged communication.

When the ~~Commission on Judicial Qualifications~~ commission determines that a reprimand or other disciplinary action is warranted, ~~whether it be a reprimand or otherwise, the Commission on Judicial Qualifications~~ the commission shall issue one or more short announcements confirming that a complaint has been filed, ; stating the subject and nature of the complaint, the disciplinary action recommended or reprimand issued, or the date of the hearing, ; clarifying the procedural aspects, ; and reciting the right of a judge to a fair hearing.

When the ~~Commission on Judicial Qualifications~~ commission determines that disciplinary action is not warranted, and the existence of any investigation or complaint has become publicly known, the judge against whom a complaint has been filed or investigation commenced may waive the confidentiality of papers and proceedings under this subsection.

The Supreme Court shall by rule provide for procedure under this section before the commission, the masters, and the Supreme Court.

(6) No Justice or Judge of the Supreme Court or other judge shall participate, as a member of the commission, ~~or~~ as a master, or as a member of the Supreme Court, in any proceedings involving his or her own reprimand, discipline, censure, suspension, removal, or retirement.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide for disciplinary action against judges on the basis of an inadequate level of competence to perform the duties of the office of judge.

For

Against".

LEGISLATIVE RESOLUTION 29CA. Introduced by Pirsch, 10; Abboud, 12; Ashford, 6; Beutler, 28; Bromm, 23; Dierks, 40; Fisher, 35; Haberman, 44; Hohenstein, 17; Horgan, 4; Hudkins, 21; Lindsay, 9; Pedersen, 39; Preister, 5; Robak, 22; Schimek, 27; Schmitt, 41; Vrtiska, 1; Wehrbein, 2; Will, 8; Witek, 31; Jones, 43.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following

amendment to the Constitution of Nebraska to add a new section 28 to Article I:

I-28 "(1) To preserve and protect crime victims' rights to justice and a meaningful role in the criminal justice system and to accord them due dignity and respect, any person who is a crime victim, as shall be defined by law, or such crime victim's guardian or designee shall be entitled to and have standing to enforce the following basic and fundamental rights as shall be defined by law: The right to be informed, upon request, of all criminal justice proceedings at which the defendant has the right to be present; the right to be present at all criminal justice proceedings at which the defendant has such right, subject to the rules of evidence; the right to make an oral or written statement at sentencings, dispositions, and parole hearings and, when relevant, at other criminal justice proceedings; and the right to receive prompt restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury. This enumeration of rights for crime victims shall not be construed to impair or deny others provided by law or retained by crime victims.

(2) The Legislature shall provide by law for the enforcement of this section and, notwithstanding any other provision in this Constitution, the Legislature may provide by law for an assessment against convicted defendants to pay for crime victim's rights.

(3) Nothing in this section shall constitute a basis for error in favor of a defendant in any criminal proceeding, a basis for providing standing to participate as a party to any criminal proceeding, or a basis to contest the disposition of any charge.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to prescribe that crime victims be entitled to and have standing to enforce certain basic and fundamental rights. A crime victim or such victim's guardian or designee would have the right to be informed of criminal justice proceedings, the right to be present at such proceedings subject to the rules of evidence, the right to make an oral or written statement at sentencings, dispositions, and parole hearings, and at other proceedings when relevant, and the right to prompt restitution from the convicted offender. The Legislature would be required to pass laws for enforcement of this section and could also pass laws providing for an assessment against convicted defendants to pay for crime victim's rights.

For

Against".

LEGISLATIVE RESOLUTION 79. Introduced by Coordsen, 32.

WHEREAS, Adolf C. Divoky has by his Last Will and Testament conveyed to the Game and Parks Commission property located in Saline County, Nebraska, which will be maintained as a game preserve for public outdoor recreation activities; and

WHEREAS, the Game and Parks Commission has the general authority to acquire real estate with the consent of the Governor by gift; and

WHEREAS, in the interest of promoting outdoor opportunities for Nebraskans, the Legislature wishes to grant approval for the Game and Parks Commission to obtain title to all or any part of such land.

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

1. That the Legislature approves the gift from Adolf C. Divoky to the Game and Parks Commission of all of the real estate described as:

The northeast quarter of section 1, township 6 north, range 2 east of the sixth principal meridian, Saline County, Nebraska, containing 160 acres more or less.

2. That such approval is granted with the understanding that the land described shall be designated and utilized as a wildlife management area.

printed on recycled paper

FIRST DAY - JANUARY 5, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 5, 1994

Pursuant to the provisions of Section 10, Article III of the Constitution of Nebraska, the Ninety-Third Legislature, Second Session of the Legislature of Nebraska, assembled in Legislative Hall of the Capitol Building at the hour of 10:00 a.m., on Wednesday, January 5, 1994, and was called to order by President Robak.

PRAYER

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

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska Air National Guard.

ROLL CALL

The roll was called and the following members were present:

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

MOTION - Adopt Temporary Rules

Mr. Will moved that the Rules, as now in our possession, be adopted for today only, Wednesday, January 5, 1994.

The motion prevailed.

CERTIFICATE

State of Nebraska

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

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of members of the Nebraska Unicameral Legislature elected or appointed to serve in the Ninety-Third Legislature, Second Session, 1994.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the Ninety-Third Legislature, Second Session, 1994.

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

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

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

(SEAL) Allen J. Beermann, Secretary of State

DISTRICT	NAME	ELECTED
1	Floyd P. Vrtiska	November 3, 1992
2	Roger R. Wehrbein	November 6, 1990
3	Michael T. Avery	November 3, 1992
4	James P. Monen, Sr.	Appointed 1-4-94****
5	Donald G. Preister	November 3, 1992
6	Brad Ashford	November 6, 1990
7	Timothy J. Hall	November 3, 1992
8	Eric Will	November 6, 1990

9	John C. Lindsay	November 3, 1992
10	Carol McBride Pirsch	November 6, 1990
11	Ernie Chambers	November 3, 1992
12	Chris Abboud	November 6, 1990
13	Daniel C. Lynch	November 3, 1992
14	Ronald E. Withem	November 6, 1990
15	Ramon E. Janssen	November 3, 1992
16	C. N. Bud Robinson	November 6, 1990
17	Leo Patrick Engel	Appointed 9-1-93**
18	Stan Schellpeper	November 6, 1990
19	Connie J. Day	November 3, 1992
20	Jessie K. Rasmussen	November 6, 1990
21	Carol L. Hudkins	November 3, 1992
22	Jennie Robak	November 6, 1990
23	Curt Bromm	November 3, 1992
24	Scott Moore	November 6, 1990
25	Jerome Warner	November 3, 1992
26	Don Wesely	November 6, 1990
27	DiAnna R. Schimek	November 3, 1992
28	Chris Beutler	November 6, 1990
29	LaVon Crosby	November 3, 1992
30	Dennis M. Byars	November 6, 1990
31	Kate Witek	November 3, 1992
32	George Coordsen	November 6, 1990
33	Ardyce L. Bohlke	November 3, 1992
34	Janis McKenzie	Appointed 1-5-93*
35	Dan Fisher	November 3, 1992
36	Jim D. Cudaback	November 6, 1990
37	Doug Kristensen	November 3, 1992
38	W. Owen Elmer	November 6, 1990
39	Dwite A. Pedersen	November 3, 1992
40	Merton L. Dierks	November 6, 1990
41	Jerry Schmitt	November 3, 1992
42	David F. Bernard-Stevens	November 6, 1990
43	James E. Jones	November 3, 1992
44	Rex S. Haberman	November 6, 1990
45	D. Paul Hartnett	November 3, 1992
46	David M. Landis	November 6, 1990
47	Gerald E. Matzke	Appointed 12-10-93***
48	Joyce Hillman	November 6, 1990
49	William R. Wickersham	November 3, 1992

*Appointed 1-5-93 to replace Rod Johnson (resigned)
**Appointed 9-1-93 to replace Kurt Hohenstein (resigned)
***Appointed 12-10-93 to replace Dennis Baack (resigned)
****Appointed 1-4-94 to replace Thomas Horgan (resigned)

RESIGNATION

August 9, 1993

E. Benjamin Nelson, Governor
Executive Suite
State Capitol
Lincoln NE 68509

Dear Governor Nelson:

The many talents given to me by God are inadequate to allow a full expression of my gratitude at having had the opportunity to represent Nebraska's Legislative District #17 in the State Unicameral.

Now, however, I must, and I hereby do, respectfully resign from further service in this deliberative body. My resignation from the Legislature, which I hereby tender to you, is effective at 11:00 a.m. on August 10, 1993.

Please know, Governor, that within me burns the yearning for a better fate for Nebraska. Despite my shortcomings, my goal has long been to make a contribution toward the attainment of this objective. And to this goal I remain committed.

Respectfully,
(Signed) Kurt A. Hohenstein
Senator

MESSAGE FROM THE SECRETARY OF STATE

January 5, 1994

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

Dear Mr. O'Donnell:

I hand you herewith the official appointment and oath of Leo Patrick Engel, as a Member of the Legislature from the Seventeenth Legislative District for the unexpired term of Kurt A. Hohenstein, resigned.

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

Enclosures

CERTIFICATE

STATE OF NEBRASKA

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

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Leo Patrick Engel has been appointed as a Member of the Nebraska Unicameral Legislature from the Seventeenth Legislative District for the unexpired term of Kurt A. Hohenstein, resigned. The term beginning September 1, 1993 shall continue until January 4, 1995 or such time as he shall satisfactorily perform all the duties imposed upon such officer by law, and until a successor is duly elected and qualified.

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

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

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

(SEAL) Allen J. Beermann, Secretary of State

OFFICIAL OATH

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

"I, Leo Patrick Engel, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Legislature, District No. 17 according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation)."*

(Signed) Leo Patrick Engel

Subscribed in my presence and sworn to before me this 1st day of September, 1993.

(Signed) Allen J. Beermann
Notary Public

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

Replaces Kurt A. Hohenstein who resigned
Term ends January 4, 1995

GUBERNATORIAL APPOINTMENT

Greetings To All Who Shall See These Presents Know Ye, that I, E. BENJAMIN NELSON, on behalf of the State of Nebraska and as Governor, do hereby appoint Leo "Pat" Engel as a member of the Nebraska Unicameral Legislature, District 17.

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

This appointment shall take effect on September 1, 1993 and continue until January 4, 1995 provided you shall satisfactorily perform all the duties imposed by law.

(Signed) E. Benjamin Nelson
Governor

RESIGNATION

November 3, 1993

Governor Ben Nelson
P.O. Box 94848
Lincoln, NE 68509-4848

Dear Governor Nelson:

It is with mixed emotions that I submit my letter of resignation to you. I will resign from my elected post on Wednesday, December 1 at 8:00 A.M., vacating the 47th legislative district seat. I have greatly enjoyed working with you and your administration during the years that I served as Speaker of the Legislature.

Respectfully,
(Signed) Dennis Baack
Senator, 47th District

DB:kim

MESSAGE FROM THE SECRETARY OF STATE

January 5, 1994

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

Dear Mr. O'Donnell:

I hand you herewith the official appointment and oath of Gerald E. Matzke, as a Member of the Legislature from the Forty-Seventh Legislative District for the unexpired term of Dennis Baack, resigned.

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

Enclosures

CERTIFICATE

STATE OF NEBRASKA

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

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Gerald E. Matzke has been appointed as a Member of the Nebraska Unicameral Legislature from the Forty-Seventh Legislative District for the unexpired term of Dennis Baack, resigned. The term beginning December 10, 1993 shall continue until January 4, 1995 or such time as he shall satisfactorily perform all the duties imposed upon such officer by law, and until a successor is duly elected and qualified.

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

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

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

(SEAL) Allen J. Beermann, Secretary of State

OFFICIAL OATH

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

"I, Gerald E. Matzke, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Unicameral Legislature, District No. 47 according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation)."*

(Signed) Gerald E. Matzke

Subscribed in my presence and sworn to before me this 10th day of December, 1993.

(Signed) Allen J. Beermann
Notary Public

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

Replaces Dennis Baack-Resigned

GUBERNATORIAL APPOINTMENT

Greetings To All Who Shall See These Presents Know Ye, that I, E. BENJAMIN NELSON, on behalf of the State of Nebraska and as Governor, do hereby appoint Gerald E. Matzke as a member of the Nebraska Unicameral Legislature, District 47.

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

This appointment shall take effect on December 10, 1993 and continue until January 4, 1995 provided you shall satisfactorily perform all the duties imposed by law.

(Signed) E. Benjamin Nelson

Governor

RESIGNATION

December 13, 1993

The Honorable E. Benjamin Nelson
State Capitol
Lincoln NE 68509

Dear Governor Nelson:

I regret to inform you that I am resigning my position as a member of the Nebraska Legislature effective at 6:00 p.m. on January 3, 1994. This decision is necessary, as I have recently accepted a position with the New Hampshire College and University Council which will require relocating my official place of residence.

I have enjoyed the opportunity to serve as a representative of the fourth legislative district and will always cherish the faith and trust the electorate demonstrated by electing me to this important public office. Ben, I also want you to know that I have enjoyed working with you and I sincerely appreciate your efforts as Governor to ensure that state government serves One Nebraska.

As my family and I begin a new adventure in New England, we will be fortified by the special place Nebraska will always hold in our hearts. Thank you for your friendship and please accept our best wishes.

Sincerely,
(Signed) Thomas R. Horgan
District 4

TRH:rls
Copies: Clerk of the Legislature
and Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

January 5, 1994

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

Dear Mr. O'Donnell:

I hand you herewith the official appointment and oath of James P. Monen, as a Member of the Legislature from the Fourth Legislative District for the unexpired term of Thomas R. Horgan, resigned.

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

Enclosures

CERTIFICATE

STATE OF NEBRASKA

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

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that James P. Monen has been appointed as a Member of the Nebraska Unicameral Legislature from the Fourth Legislative District for the unexpired term of Thomas R. Horgan, resigned. The term beginning January 4, 1994 shall continue until January 4, 1995 or such time as he shall satisfactorily perform all the duties imposed upon such officer by law, and until a successor is duly elected and qualified.

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

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

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

(SEAL) Allen J. Beermann, Secretary of State

OFFICIAL OATH

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

"I, James P. Monen, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Unicameral Legislature, District No. 4 according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of

any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation)."*

(Signed) James P. Monen

Subscribed in my presence and sworn to before me this 4th day of January, 1994.

(Signed) Allen J. Beermann
Notary Public

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

Replaces Thomas R. Horgan, resigned

GUBERNATORIAL APPOINTMENT

Greetings To All Who Shall See These Presents Know Ye, that I, E. BENJAMIN NELSON, on behalf of the State of Nebraska and as Governor, do hereby appoint James P. Monen, Sr., as a member of the Nebraska Unicameral Legislature, District 4.

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

This appointment shall take effect on January 4, 1994 and continue until January 4, 1995 provided you shall satisfactorily perform all the duties imposed by law.

(Signed) E. Benjamin Nelson
Governor

MOTION - Election of Speaker

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

The motion prevailed.

Mr. Coordsen placed his name in nomination.

Mr. Withem placed his name in nomination.

Mr. Hartnett moved the nominations be closed.

The motion prevailed.

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

Coordsen	24
Withem	25
	49

Mr. Withem was duly elected Speaker of the Legislature.

MOTION - Escort Chief Justice

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

The motion prevailed.

The Chair appointed Messrs. Bromm, Lindsay, Byars, Mmes. Robak, and Bohlke to serve on said Committee.

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

OFFICER'S OATH OF OFFICE

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

I do solemnly swear (or affirm) that I will support the Constitution of the United States, the Constitution of the State of Nebraska, and faithfully discharge the duties of my office to the best of my ability, so help me God.

Speaker Ron Withem

The Committee escorted the Chief Justice from the Chamber.

MOTION - Standing Committee Chairpersons

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

The motion prevailed.

CHAIRPERSON - Education

Mrs. Bohlke placed her name in nomination.

Mr. Moore nominated Mr. Bernard-Stevens.

Mr. Hartnett moved the nominations be closed.

The motion prevailed.

The Chair appointed Ms. Schimek, Messrs. Kristensen, and Ashford as tellers.

Bohlke	33
Bernard-Stevens	16
	49

Mrs. Bohlke was duly elected Chairperson of Education Committee.

CHAIRPERSON - Nebraska Retirement Systems

Mrs. Bohlke nominated Mr. Wickersham.

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

The motion prevailed.

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

MOTION - Select Committee Chairperson

Mr. Moore moved to proceed to the election of the select committee chairperson, by secret ballot, in accordance with Rule 3, Sec. 7(a).

The motion prevailed.

CHAIRPERSON - Enrollment and Review

Mr. Withem nominated Mrs. McKenzie.

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

The motion prevailed.

Mrs. McKenzie was duly elected Chairperson of Enrollment and Review Committee.

RESIGNATION

October 4, 1993

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

Dear Governor Nelson:

Please accept this letter of resignation from my position as Lieutenant Governor of the State of Nebraska. It is indeed difficult for me to leave this position, but I do believe I can better serve the public in my new capacity as Director of the Department of Economic Development.

I want to thank the people of Nebraska for the opportunity to serve as Lieutenant Governor. My tenure provided rewarding and challenging experiences that will not be forgotten and have better prepared me to serve as Director of the Nebraska Department of Economic Development. One of the great benefits of serving as Lieutenant Governor is the opportunity to travel this great state and meet the thousands of decent, hard-working citizens that make Nebraska what it is - my home and a source of great pride.

As I embark on my new duties, I do so knowing that Nebraskans deserve no less than the best I can offer. I pledge that I will serve this state with the best interests of the citizens at heart. I look forward to building upon the relationships I have fostered over the last three years and moving this state forward. Economic development initiatives have always been, and remain, my passion. I truly believe that as Nebraskans we must continue in the spirit that has carried us this far - a spirit to seek the best and challenge the future so that those who follow have greater opportunities than we had. This is the hallmark of the people of Nebraska.

Again, Governor Nelson, I thank you for the opportunity to serve Nebraska in a capacity that I believe best uses the talents and resources I possess. I look forward to continuing our work together as we endeavor to make Nebraska stronger and better equipped to meet the challenges of the 21st century.

Sincerely,
(Signed) Maxine B. Moul
Lieutenant Governor

GUBERNATORIAL APPOINTMENT

Know Ye, that I, E. BENJAMIN NELSON, on behalf of the State of Nebraska and as Governor, do hereby appoint Kim M. Robak as Lieutenant Governor.

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

This appointment shall take effect on October 4, 1993 and continue as provided by law provided you shall satisfactorily perform all the duties imposed by law.

(Signed) E. Benjamin Nelson
Governor

OFFICIAL OATH

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

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

(Signed) Kim M. Robak

Subscribed in my presence and sworn to before me this 4th day of October, 1993.

(Signed) C. Thomas White
Judge Nebraska Supreme Court
Notary Public

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

Appointment made by Governor Nelson due to resignation of Maxine Moul

MESSAGES FROM THE GOVERNOR

June 22, 1993

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

Dear Madam President and Senators:

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

APPOINTEE: Virgie Louis, 3818 N. 34th Ave., Omaha, NE 68111

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 30, 1993

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

Dear Madam President and Senators:

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

APPOINTEE: Ellen Lierk, 1012 Box Butte, Alliance, NE 69301

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

July 12, 1993

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

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Commission of Industrial Relations, requiring legislative approval.

APPOINTEE: James D. McFarland, 3400 'O' Street, Lincoln, NE 68503

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

July 26, 1993

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

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Dry Bean Commission, requiring legislative approval.

APPOINTEE: Dick R. Wagoner, R.R. 2, Broadwater, NE 69125

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

August 12, 1993

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

Dear Madam President and Senators:

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

APPOINTEE: Michael D. Shannon, 1105 Meadow Lark Ave., Alliance, NE 69301

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

August 12, 1993

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

Dear Madam President and Senators:

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

APPOINTEE: Don Coash, West 1st Street, Bassett, NE 68714

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

August 24, 1993

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

Dear Madam President and Senators:

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

APPOINTEE: Gary S. Goldberg, Rt. 1, Box 229, Kearney, NE 68847

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

August 24, 1993

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

Dear Madam President and Senators:

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

APPOINTEE: Ron Stoddard, P.O. Box 755, 2305 West C, North Platte, NE 69103

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

August 24, 1993

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

Dear Madam President and Senators:

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

APPOINTEE: Toby Dellamano, 1423 N. 131st Ave. Circle, Omaha, NE 68154

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

August 24, 1993

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

Dear Madam President and Senators:

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

APPOINTEE: Clinton K. Jensen, Route 2, Box 143, Aurora, NE 68818

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

August 24, 1993

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

Dear Madam President and Senators:

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

APPOINTEE: J. Patrick Hillebrandt, 2401 Hanscom Blvd., Omaha, NE 68105

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

August 24, 1993

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

Dear Madam President and Senators:

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

APPOINTEE: Dan J. Hughes, HCR 80, Box 31A, Venango, NE 69168

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

August 27, 1993

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

Dear Madam President and Senators:

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

APPOINTEE: Merle L. Anderson, 821 Madden Road, Hastings, NE 68901

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

August 27, 1993

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

Dear Madam President and Senators:

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

APPOINTEE: Joseph E. Pinhero, 801 South 92nd St., Omaha, NE 68114

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

August 27, 1993

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

Dear Madam President and Senators:

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

APPOINTEE: Emmett A. Smith, 6121 S. 102nd St., Omaha, NE 68127

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

August 27, 1993

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

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Environmental Quality Council, requiring legislative approval.

APPOINTEE: Spencer W. Morrissey, 548 Jackson, Box 866, Tecumseh, NE 68450

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

August 27, 1993

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

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Environmental Quality Council, requiring legislative approval.

APPOINTEE: Galen E. Frenzen, Rt. 2, Box 14, Fullerton, NE 68638

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

August 27, 1993

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

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Environmental Quality Council, requiring legislative approval.

APPOINTEE: Richard W. Galyen, 402 N. Holt Street, Atkinson, NE 68713

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

August 27, 1993

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

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Environmental Quality Council, requiring legislative approval.

APPOINTEE: David S. Sands, 700 Van Dorn, Lincoln, NE 68502

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

August 27, 1993

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

Dear Madam President and Senators:

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

APPOINTEE: Glen Stewart, Rt. 3, Box 113, Albion, NE 68620

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

August 31, 1993

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

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Environmental Quality Council, requiring legislative approval.

APPOINTEE: Bill Podraza, Box 70, Lexington, NE 68850

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

September 1, 1993

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

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Environmental Quality Council, requiring legislative approval.

APPOINTEE: Kathleen J. Wittler, Rt. 1, Box 39, Talmage, NE 68448

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

September 1, 1993

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

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Environmental Quality Council, requiring legislative approval.

APPOINTEE: Darlene Kiefer, 617 Adams, Kimball, NE 69145

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

September 1, 1993

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

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Environmental Quality Council, requiring legislative approval.

APPOINTEE: Dwayne Smith, Box 988, Columbus, NE 68601

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

September 7, 1993

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

Dear Madam President and Senators:

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

APPOINTEE: Robert D. Coupland, P. O. Box 150, Valentine, NE 69201-0150

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

September 17, 1993

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

Dear Madam President and Senators:

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

APPOINTEE: Patrick G. Rogers

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

September 23, 1993

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

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Nebraska State Highway Commission, requiring legislative approval.

APPOINTEES:
Duane W. Acklie
Robert C. Kayton

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson

Governor

September 24, 1993

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

Dear Madam President and Senators:

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

APPOINTEE: Russell S. Eisenhart, Jr.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

September 30, 1993

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

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Nebraska Special Education Accountability Commission, requiring legislative approval.

APPOINTEES:
Keith Bartels
Sally A. Tremain
Margene M. Beatty

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

September 30, 1993

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

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Nebraska Special Education Accountability Commission, requiring legislative approval.

APPOINTEES:
Sandra S. Haughton
Jean E. Sigler
Robert A. Cannon

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

September 30, 1993

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

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Nebraska Special Education Accountability Commission, requiring legislative approval.

APPOINTEES:
Max A. McFarland
Dr. Joseph Gaughan
Kenneth M. Bird

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

October 4, 1993

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

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Nebraska Special Education Accountability Commission, requiring legislative approval.

APPOINTEES:
Velda M. Lambert
Patricia J. Thundercloud
Beverly J. Marion
Nicolas Reyes, Jr.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

October 4, 1993

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

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Nebraska Oil and Gas Conservation Commission, requiring legislative approval.

APPOINTEES:
Ron Soper
F. P. Curtiss

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

October 6, 1993

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

Dear Madam President and Senators:

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

APPOINTEES:
Dr. Charles M. Wempe
Henry L. Balters
Dr. Duane Polzien

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

October 15, 1993

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

Dear Madam President and Senators:

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

APPOINTEES:
Marilyn Mitchell
Gail P. Erwin
Harry Richardson
Jean A. Sidwell

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

October 19, 1993

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

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Commission on Information Technology, requiring legislative approval.

APPOINTEES:
Carol Aschenbrener, M.D.
Robert E. Sweeney
Rachael LaBounty

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

October 19, 1993

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

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Commission on Information Technology, requiring legislative approval.

APPOINTEES:
Roger Kassebaum
Jack G. McBride
Floyd E. Olson

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

October 22, 1993

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

Dear Madam President and Senators:

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

APPOINTEES:
Samuel H. Perry II, M.D.
Sally Burt

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

October 25, 1993

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

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Commission on Information Technology, requiring legislative approval.

APPOINTEES:
Dr. Michael J. Cunning
Sheryl Lindau
Craig Schroeder

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

November 3, 1993

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

Dear Madam President and Senators:

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

APPOINTEE: Dennis C. Hirschbrunner

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

November 3, 1993

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

Dear Madam President and Senators:

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

APPOINTEES:
Derald Kohles
Richard H. Chaffin

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

November 3, 1993

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

Dear Madam President and Senators:

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

APPOINTEES:
Fernando Lecuono
Dr. Pearl A. Hansen
Lt. James Pearson

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

November 3, 1993

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

Dear Madam President and Senators:

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

APPOINTEES:
Harold Sobotka
Ernest L. Dobesh
Don R. Thompson

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

November 19, 1993

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

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Motor Vehicle Industry Licensing Board, which appointment requires legislative approval.

APPOINTEE: Mel Auch

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

November 23, 1993

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

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Foster Care Review Board, which appointments require legislative approval.

APPOINTEES:
Barbara A. Moore
Joyce Bunger
Myrna J. Schmid

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

November 23, 1993

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

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Safety Center Advisory Council, which appointment requires legislative approval.

APPOINTEE: Randall Hergott

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

December 20, 1993

Madam President, Senator Hall,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

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

APPOINTEES:
Barbara K. Marcy
Sheila Griffin
Jane Renner Hood
Dick C. E. Davis

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

December 21, 1993

Madam President, Senator Hall,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

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

APPOINTEE: Maxine B. Moul, Director

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

December 21, 1993

Madam President, Senator Hall,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

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

APPOINTEE: Don Hinds

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

January 3, 1994

Madam President, Senator Hall
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have received letters of resignation for the following appointments requiring legislative approval.

APPOINTEE:
Beverly Marion - NE Special Education Accountability Commission
Harry Richardson - NE Arts Council
Ernest Dobesh - NE Safety Center Advisory Council

Please withdraw these names from consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

ATTORNEY GENERAL'S OPINIONS

Opinion No. I93024

June 25, 1993

Joanne M. Pepperl
Revisor of Statutes
Rm. 358, State Capitol
P.O. Box 94945
Lincoln, NE 68509

Dear Ms. Pepperl:

This letter is in response to your correspondence of June 10, 1993, in which you requested the opinion of this office as to how LB 541, 93rd Neb. Leg. 1993, should be shown in the "slip law." Specifically, you have referenced the Governor's "line-item veto" of certain intent language in section 16 of LB 541.

After researching this issue, we believe the Governor is not authorized to use his line item veto power to alter the language of a bill presented to him for approval by the Legislature. Any such changes are a nullity and should not appear in the slip law.

Discussion

The Governor is authorized to line item veto certain items of an appropriations bill by Neb. Const. Art. IV, sec. 15, which reads:

> Every bill passed by the Legislature, before it becomes a law, shall be presented to the Governor. If he approves, he shall sign it, and thereupon it shall become a law, but if he does not approve or reduces any item or items of appropriations, he shall return it with his objections to the Legislature, which shall enter the objections at

> large upon its journal, and proceed to reconsider the bill with the objections as a whole, or proceed to reconsider individually the item or items disapproved or reduced.

Acting under the apparent authority of Article IV, Section 15, the Governor altered LB 541, §16 by reducing the revolving fund in Program No. 18 of Agency No. 7 from $137,554 to $60,000 for both FY 1993-1994 and FY 1994-1995. The Governor also struck certain language stating that the Legislature's intent was to provide funding for the Office of Child and Family Policy and the Low Level Radioactive Waste Advisor position from the revolving fund. The reduction in funds and the stricken language appear to be separate parts of a single veto. The Governor indicated this in his veto message to the Legislature when he wrote:

> The veto I recommend in the Governor's budget is to ensure that permanent positions are not created in the Governor's office and will result in the current arrangement with the Department of Environmental Quality and Policy Research Office remaining as it. The intent language concerning the Office of Child and Family and the language dealing with the Low Level Radioactive Waste Advisor is also stricken in an effort to reflect my intent on these programs.

Governor Nelson's Veto Message, June 7, 1993, page 2.

Article IV, Section 15 does not appear to authorize the Governor to change the language of a bill presented to him for approval by the Legislature. Although Nebraska courts have not attempted to delineate the scope of this constitutional provision, such provisions are common in state constitutions and have generally been interpreted uniformly.

Interpreting such a provision in the Massachusetts Constitution, the Court in In re Opinion of the Justices, 2 N.E.2d 789, 294 Mass. 616 (1936) said, "The veto power conferred upon the Governor was designed to enable him to recommend the striking out or reduction of any item or part of an item." Id. at 790-91, 294 Mass. at 617. The justices also said,

> The fact that this section relates solely to appropriation bills, in conjunction with the word "reduce," indicates clearly that the expression "items or parts of items" refers to separable fiscal units. They are appropriations of sums of money. Power is conferred upon the Governor to reduce the sum of money appropriated, or disapprove the appropriation entirely. No power is conferred to change the terms of an appropriation except by reducing the amount thereof.

Id. at 790.

More recently in Florida House of Representatives v. Martinez, 555 So.2d 839 (Fla. 1990), the Florida court was faced with the question whether the Governor was authorized by their state Constitution to alter, by line item veto, the language of an appropriations bill and an accompanying portion of an appropriation. Governor Martinez of Florida attempted to veto proviso language authorizing the Attorney General to exceed the maximum pay grade for certain employee positions. No sum of money was identified in the proviso itself or

elsewhere in the act. Nevertheless, the Governor unilaterally assigned a value to the proviso and reduced the appropriation by that amount.

The court felt that allowing the Governor to veto proviso language that did not identify a sum of money at all, but merely specified that some unidentified portion of the line item shall or may be used for a particular purpose, would be robbing the Legislature of its authority. The court concluded, "Before the Governor may veto specific proviso language, the language on its face must create an identifiable integrated fund - an exact sum of money - that is allocated for a specific purpose." Id. at 844 (emphasis in the original).

Florida's Constitution is not identical to that of Nebraska. However, since Nebraska's Constitution permits only the veto or reduction of items of appropriation, Governor Nelson's attempted veto of the intent language in LB 541, §16 is analogous to those of Governor Martinez. Governor Nelson unilaterally assigned a value to the Office of Child and Family Policy and the Low Level Radioactive Waste Advisor position. He then struck the language dealing with these positions and reduced the total appropriation by the amount he assigned as their value. We believe a Nebraska court would reach a similar result as the Florida court concerning the scope of the Governor's line item veto power, and conclude Governor Nelson's veto is unauthorized by Article IV, Section 15.

When a Governor attempts a line item veto which is unauthorized by his or her state's constitution, the courts again reach a uniform result. In In re Opinion of the Justices, the court reasoned that an unauthorized veto was a "nullity." 2 N.E.2d at 791, 294 Mass. at 617. The court in Green v. Rawles, 122 So.2d 10 (Fla. 1960), held that an unauthorized veto by the Governor was "ineffectual." Id. at 13. And in State ex rel. Carson v. Bond, 495 S.W.2d 385 (Mo. 1973), it was held that the unauthorized striking of language from a bill by the Governor was a nullity. Id. at 393. Thus, the Governor's line item veto of intent language in LB 541, §16 was not authorized and, as such, is ineffectual and a nullity.

Although the preceding analysis answers your question, it seems appropriate to tell the "rest of the story." Governor Nelson's attempted veto was not without some basis. Language in an appropriation bill may not alter existing methods of administrative control. Administrative direction must be included in a separate act. See 75-76 Op. Att'y Gen. 281; 75-76 Op. Att'y Gen. 283. This is likely why the Legislature phrased the language in question as "intent" language rather than as a directive. As such, the language is merely advisory and is of no legal effect. See 75-76 Op. Att'y Gen. 296. Thus, although the Governor may not strike intent language in an appropriations bill, such language is merely advisory and is not legally binding on the Governor.

Conclusion

Under Neb. Rev. Stat. § 49-702(4) (1988), the Revisor of Statutes must "prepare, arrange, and correlate for publication" the session laws enacted during each session of the Legislature. Any changes made by you as Revisor of Statutes cannot change the substantive meaning of

any statute as enacted by the Legislature. State v. Karel, 204 Neb. 573, 284 N.W.2d 12 (1979). Consequently, the slip law which you prepare must reflect the cumulative actions taken by the Legislature and by the Governor in the passage of each bill. In this instance, the attempted veto of intent language in LB 541 is ineffectual. Although the language in question is merely advisory, it should be included in the slip law.

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

3-1233-3

Opinion No. 93048

DATE: June 24, 1993

SUBJECT: Expenditure of Economic Development Funds for Salaries

REQUESTED BY: Senator George Coordsen

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

You have requested the opinion of this office as to whether "the provisions of § 13-315 permit funds appropriated by a city or county to be expended for salaries of an economic development director employed by local economic development corporations." You have requested this opinion to determine whether amendments to the statute are necessary.

Nebraska law provides:

> The city commissioners or council of any city, the board of trustees of any village, and the county board of any county in the state shall have the power to appropriate or expend annually from the general funds or from revenue received from any proprietary functions of their respective political subdivision an amount not to exceed four-tenths of one percent of the taxable valuation of the city, village, or county for the purpose of encouraging immigration, new industries, and investment and to conduct and carry on a publicity campaign, including a publicity campaign conducted for the purpose of acquiring from any source a municipal electrical distribution system or exploiting and advertising the various agricultural, horticultural, manufacturing, commercial, and other resources, including utility services, of the city, village, or county. Such sum may be expended directly by the city, village, or county or may be paid to the chamber of commerce or other commercial organization

> or a similar county organization or multicounty organization or local development corporation to be expended for the purposes enumerated in this section under the direction of the board of directors of the organization. The total amount levied including the appropriation or expenditure made under this section shall not exceed the amount limited by law.

Neb. Rev. Stat. § 13-315 (Cum. Supp. 1992). The Nebraska Supreme Court has specifically upheld the constitutionality of the provisions found in § 13-315.

> {W}e find that the provision authorizing expenditures "for the purpose of encouraging immigration, new industries, and investment and to conduct and carry on a publicity campaign, including a publicity campaign conducted for the purpose of acquiring from any source a municipal electrical distribution system, exploiting and advertising the various agricultural, horticultural, manufacturing, commercial, and other resources, including utility services," is constitutional, including the provision for making such expenditures by and through chambers of commerce and the other organizations listed in the statutes.

Chase v. County of Douglas, 195 Neb. 838, 241 N.W.2d 334 (1976).

Thus, cities and counties are authorized to expend funds, within the specifications of § 13-315, for the purpose of (1) encouraging immigration, new industries, and investment and (2) to conduct and carry on a publicity campaign. The funds may be expended directly by the city or county of "may be paid to . . . {a} local development corporation to be expended for the purposes enumerated in this section. . . ." Therefore, we conclude the salary of an economic development director employed by a local economic development corporation may be funded pursuant to § 13-315 if such position is used for the purpose of encouraging immigration, new industries and investment or to conduct and carry on a publicity campaign.

This conclusion is supported not only by the broad language of the statute, but also by the legislative history of § 13-315. When counties were brought under the provisions of the statute in 1969, one witness who supported the addition of counties testified, "Under the one mill levy provision for our city, we have a $4 million assessed valuation; we could raise $4,000 and for $4,000 you can't hire a good man, full time or even half time to promote the economy of your town." Committee Records on LB 684, 80th Neb. Leg., p. 5 (Febr. 13, 1969) (Statement of Hugh Wilkin). This testimony, in the context of the hearing, indicates an intent on the part of the Legislature to authorize the very expenditures in question.

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

3-1234-3

Opinion No. 93052

DATE: June 28, 1993

SUBJECT: Whether a vehicle known as a fertilizer-floater spreader is properly classified as a "truck" or as an "implement of husbandry."

REQUESTED BY: Senator Rex Haberman
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
John E. Brown, Assistant Attorney General

You have asked whether a fertilizer-floater spreader is a truck as that term is defined by Neb. Rev. Stat. § 39-602(111) (1992 Cum. Supp.) or whether it is an "implement of farm husbandry." We believe that for purposes of motor vehicle registration, a fertilizer-floater spreader is an implement of husbandry. (See Opinion No. 190, January 8, 1980). We further believe that for purposes of the Rules of the Road, Chapter 39, Article 6, of the Nebraska Revised Statutes, a fertilizer-floater spreader is not a "truck" as that term is defined by Neb. Rev. Stat. § 39-602(111) (Cum. Supp. 1992). That statute provides as follows: "Truck shall mean any motor vehicle designed, used, or maintained primarily for the transportation of property." As we stated in our January 8, 1980, opinion, we do not feel that the primary design or use of a fertilizer-floater spreader is for the transportation of property.

We do not wish to imply, however, that a fertilizer-floater spreader is not required to adhere to the Nebraska Rules of the Road because it does not meet the definition of the term "truck." On the contrary, a fertilizer-floater spreader conforms to the definition of the term "vehicle" and accordingly, is required to adhere to limitations as to size and weight imposed on all vehicles traveling on Nebraska highways.

Your letter of April 27, 1993, to Senator Doug Kristensen regarding proposed legislation to clarify the powers of carrier enforcement officers has been provided to us in explanation of the purpose of your April 15, 1993, opinion request. In that letter you suggest that there may be some question as to whether a carrier enforcement officer could "check" a floater spreader because of the limited enforcement powers granted to carrier enforcement officers by Neb. Rev. Stat. § 60-1306 (1992) Cum. Supp.). Section 60-1306 provides:

> The carrier enforcement officers shall have the power (1) of peace officers solely for the purpose of enforcing the laws relating to the trip permits provided for in section 66-492 and the Interstate Motor Carriers Base State Fuel Tax Compact Act and the laws relating to the size, weight, load, and registration of buses, motor trucks, truck-tractors, semitrailers, trailers, and towed vehicles, (2)

when in uniform, to require the driver thereof to stop and exhibit his or her operator's license and registration issued for the vehicle and submit to an inspection of such vehicle, the plates, the registration thereon, and licenses and permits required under the motor fuel laws, and (3) to make arrests upon view and without warrant for any violation committed in their presence of the laws referred to in subdivisions (1) an (2) of this section and of sections 60-305.12, 60-1308, 60-1309, and 75-363 to 75-368.

Obviously, a fertilizer-floater spreader is not a bus, motor truck, truck-tractor, semitrailer, trailer or towed vehicle. If the grant of authority to carrier enforcement was limited to the grant of authority contained in § 60-1306 set out above, the authority of carrier enforcement officers to "check" floater spreaders would be in question. However, the authority of carrier enforcement officers has been expanded by other statutes. Neb. Rev. Stat. § 39-6,186 (1988) provides as follows:

> Any officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same. When an officer upon weighing a vehicle and load as herein provided determines that the weight on any axle exceeds the lawful weight or when the weight on any group of two consecutive axles exceeds their lawful weight and in all cases when the weight is unlawful on any axle or group of consecutive axles on any road restricted in accordance with section 39-6,180, he or she may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under section 39-6,180. All aterial so unloaded shall be cared for by the owner or driver of such vehicle at the risk of such owner or driver. Lawful weight as used in this section shall mean the maximum weight permitted by section 39-6,180.

Sincerely,
DON STENBERG
Attorney General
(Signed) John E. Brown
Assistant Attorney General

cc: Patrick O'Donnell
Clerk of Legislature

Opinion No. 93061

DATE: July 30, 1993

SUBJECT: Applicability of 1993 Neb. Laws LB 364, § 12, to the Interstate Agricultural Grain Marketing Commission

REQUESTED BY: Senator Rex Haberman
Nebraska State Legislature

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

You have requested our opinion regarding whether Neb. Rev. Stat. § 66-1321.01 (1990), as renumbered by 1993 Neb. Laws LB 364, § 12, applies to the Interstate Agricultural Grain Marketing Commission (Commission). We conclude that this statutory language does not apply to the Commission.

The Commission was created by the Interstate Compact on Agricultural Grain Marketing (Compact) whose purpose is to protect and enhance the welfare of state citizens and local communities engaged in the production and sale of agricultural grains and the continued production of such grains in quantities necessary to feed the world's increasing population. Compact, art. I. The Commission's powers include conducting studies and investigations of agricultural grain marketing practices, procedures, and controls and recommending solutions to problems in the current agricultural grain marketing system. Compact, art. IV.

You have asked whether section 66-1321.01 applies to the Commission. Although the Nebraska Legislature recently amended this statute by deleting its designation as "66-1321.01," see 1993 Neb. Laws LB 364, § 12, the language of the statute has remained the same:

> Trade secrets, academic and scientific research work, and other proprietary or commercial information which may be filed with an application for a grant or loan or other financial assistance shall not be considered to be public records as defined in section 84-712.01 if the release of such trade secrets, work, or information would give advantage to business competitors and serve no public purpose. Any person seeking release of the trade secrets, work, or information as a public record shall demonstrate to the satisfaction of the board that the release would not violate this section.

1993 Neb. Laws LB 364, § 12.

Before the enactment of LB 364, this statute was part of the Ethanol Authority and Development Act (Act), which allowed cities, counties, and villages to apply for grants or loans from the Ethanol Authority and Development Board (Board) to facilitate construction, acquisition, or expansion of facilities related to ethanol production. Neb. Rev. Stat. § 66-1317 (1990). The Act required the Board to establish guidelines for such grant and loan applications. Neb. Rev. Stat. § 66-1319 (1990). Under the Act, section 66-1321.01 was just one of a series of provisions outlining this grant and loan procedure. See Neb. Rev. Stat. §§ 66-1317 to 66-1325 (1990 & Cum. Supp. 1992).

In LB 364, the 1993 Legislature renamed and revamped this Act, partly by repealing most of the above-referenced loan and grant provisions. 1993 Neb. Laws LB 364, § 26. LB 364 makes it clear that such grants and loans are no longer available under the newly-named

Ethanol Development Act, but that repayment of loans made under the prior version of the Act are to be credited to a certain fund. 1993 Neb. Laws LB 364, § 13. The new act also retains the language used in section 66-1321.01 (1990) to clarify that trade secrets, academic and scientific research, or other proprietary or commercial information filed with a prior grant or loan application related to ethanol development are not public records if such information would advantage business competitors and serve no public purpose. 1993 Neb. Laws LB 364, § 12.

Under both the Ethanol Authority and Development Act and the 1993 Ethanol Development Act it is clear that the information deemed not to be public under Nebraska's public records statutes consists only of those trade secrets, academic and scientific research, and other proprietary or commercial information which is filed with an application for a grant, loan, or other financial assistance to facilitate the construction, acquisition, or expansion of facilities related to ethanol production. § 66-1321.01 (1990); 1993 Neb. Laws LB 364, § 12. Such information, filed with the former Ethanol Authority and Development Board, has no apparent connection to information in the possession of the Interstate Agricultural Grain Marketing Commission.

CONCLUSION

Because the language of section 66-1321.01 and section 12 of LB 364 is limited to information filed with applications for ethanol-related financial assistance granted by the former Ethanol Authority and Development Board, such language does not apply to information now filed with the Interstate Agricultural Grain Marketing Commission.

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

cc: Patrick J. O'Donnell
Clerk of the Legislature
13-398-6.93c

Opinion No. 93073

DATE: September 7, 1993

SUBJECT: Whether members of the board of directors of a public power district can review information concerning registered bonds issued by the district in light of Neb. Rev. Stat. § 10-141 (1991).

REQUESTED BY: Senator Chris Beutler
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General

Dale A. Comer, Assistant Attorney General

In your opinion request letter, you state that, under Neb. Rev. Stat. § 10-141 (1991), records of registered bonds issued by a public power district in Nebraska may not be fully accessible to the district's board of directors, and you are apparently considering drafting some legislation which would repeal that statute. However, you also state that Neb. Rev. Stat. § 70-622 (1990) seems to allow district directors access to the records of registered bonds as a means of accountability, and you have, therefore, requested an opinion of this office to determine if repeal legislation for Section 10-141 is necessary. Specifically, you ask if a director of a public power district has access to information concerning registered bonds issued by the district under Section 70-622, and, in particular, you wish to know if that statute allows directors to see records pertaining to interest payments made to bond holders including the names of the bond holders and the amounts paid to them. We believe that directors of a public power district should be allowed to see the bond records in question, but not necessarily as a result of Section 70-622.

Section 10-141 is part of a group of statutes dealing with the fully registered bonds issued by various public entities which were enacted as a result of LB 421 passed by the Legislature in 1983. Section 10-141 provides:

> The records of ownership of fully registered bonds maintained by a registrar shall not be deemed to be public records and shall be available for inspection solely pursuant to a court order or a subpoena of any governmental agency having jurisdiction to issue such subpoena or in accordance with the bond ordinance governing the fully registered bonds.

On the other hand, Section 70-622, a part of the statutes dealing specifically with public power districts states, in pertinent part:

> The board of directors {of the power district} shall cause to be kept accurate minutes of their meetings and accurate records and books of account, conforming to approved methods of bookkeeping, clearly setting out and reflecting the entire operation, management, and business of the district. . . . Said books and records shall at reasonable business hours be open to public inspection.

Your opinion request goes to the effect of the latter statute upon the provisions of Section 10-141.

We do not believe that Section 70-622 can be read to require access to bond registration information for power district board members. First of all, Section 70-622 does not even deal with access to records by a power district board. Rather, it requires the members of such a board to keep adequate business records and to provide access to those records generally to the public. More importantly, special provisions of a statute in regard to a particular subject will prevail over general provisions in the same or other statutes so far as there is a conflict. Glockel v. State Farm Mut. Auto. Ins. Co., 219 Neb. 222, 361 N.W.2d 559 (1985). Section 70-622 generally provides that the business records

of a public power district should be open to the public, while Section 10-141 specifically prohibits public access to bond registration records including those of a public power district. It seems to us that the specific would control over the general in this instance, and that Section 70-622 cannot be used to authorize access to bond registration records by the members of a power district board. However, while Section 70-622 may not give power district board members access to bond registration information, other circumstances may.

The clear language of Section 10-141 provides that records of ownership of fully registered bonds shall not be public records, and this language along with the legislative history of LB 421 seems to indicate that the prohibition on release of bond registration information was directed at members of the general public who seek such information. For example, at the committee hearing on LB 421, the attorney who characterized himself as the "primary draftsman" of LB 421 testified concerning the purpose of the confidentiality provision pertaining to bond registration information:

> Well, from the standpoint of bond underwriters, that {disclosure of bond registration information} would be an immediate disclosure of their customer list because each bond, then, would be immediately registered with the bond register, the registration agent, and a competitor could go to the list, then, and immediately find out who that underwriter had sold the bonds to. Now, maybe we don't need to be concerned solely about the business of the underwriters; the other thing is that I'm sure that investors -- when you buy the paper, you know, this is your private ownership. Now, the fact that your ownership might be available for public inspection, for, somebody to go in and simply publish a list of who owned all the bonds of City A, will put kind of a damper on the willingness of a lot of investors to buy the bonds of that city.

Committee Records on LB 78, 88th Neb. Leg., 1st Sess. 9-10 (January 31, 1983).

While bond registration records are, therefore, not public records available to citizens in general under the public records statutes, members of the board of directors of a public power district occupy a different position concerning their district than do members of the general public. Under Neb. Rev. Stat. § 70-619 (Cum. Supp. 1992) the corporate powers of a public power district are vested in and exercised by the board of directors of that district. As a result, the directors of the power district are the public officers in charge of the district. A public officer is the legal custodian of all papers, books and records pertaining to his or her office, and is responsible for their safekeeping and protection. 76 C.J.S. Records § 34. On this basis, we believe that it may be argued that the directors of a public power district are actually the legal custodians of the bond registration records for the district. In effect, those registration records are the directors' records. Therefore, the directors of the power district have the right to view those records as a part of their duties associated with the governance of the district, and they do not simply stand with members of the general

public with respect to viewing bond registration records in the hands of the bond registrar.

While the analysis set out above appears to us to be the better analysis with regard to your question, we must point out that other arguments might be made supporting the notion that the current statutes do deny public power district directors access to bond registration information. Therefore, as is the case with most opinion requests concerning the necessity for clarifying or repeal legislation, if you wish to make it entirely clear that the district directors in question should have access to bond registration information, we suggest that clarifying or repeal legislation might indeed be appropriate.

Sincerely yours,
DON STENBERG
Attorney General

(Signed) Dale A. Comer
Assistant Attorney General

05OP012.993
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 93076

DATE: September 24, 1993

SUBJECT: Necessity of Legislative Approval of Appointee to Office of Lieutenant Governor

REQUESTED BY: Senator LaVon Crosby

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

In order to determine whether clarifying legislation is necessary, you have requested the opinion of the Attorney General as to whether an appointment by the Governor to fill a vacancy in the office of Lieutenant Governor requires approval by the Legislature under Article IV, §§ 10, 11 of the Nebraska Constitution.

The recent announcement of the resignation of Nebraska's Lieutenant Governor has presented the question of how a new Lieutenant Governor is appointed. Prior to a 1980 constitutional amendment, the Governor did not have authority to fill a vacancy in the office of Lieutenant Governor under Article IV, § 11. See 1979 Rep. Att'y Gen. 7, 8 (Op. No. 5, 1-15-79). Since 1980, the Governor has clearly had such appointment power.[1] However, the question of whether legislative approval of the Governor's appointee is required has never been addressed.

The Nebraska Constitution contains three sections on appointments and vacancies:

> Sec. 10. The Governor shall appoint with the approval of a majority of the Legislature, all persons whose offices are established by the Constitution, or which may be created by law, and whose appointment or election is not otherwise by law or herein provided for; and no such person shall be appointed or elected by the Legislature. . . . (Amended, 1972).
>
> Sec. 11. If any elected state office created by this Constitution, except offices provided for in Article V of this Constitution, shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill that office by appointment, and the appointee shall hold the office until his successor shall be elected and qualified in such manner as may be provided by law. (Amended, 1962, 1972, 1980).
>
> Sec. 12. If any nonelective state office, except offices provided for in Article V of this Constitution, shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill that office by appointment. If the Legislature is in session, such appointment shall be subject to the approval of a majority of the members of the Legislature. If the Legislature is not in session, the Governor shall make a temporary appointment until the next session of the Legislature, at which time a majority of the members of the Legislature shall have the right to approve or disapprove the appointment.

Neb. Const. Art. IV, §§ 10, 11, 12 (emphasis added).

Rules of Construction for Constitutional Provisions

In order to determine whether legislative approval of an appointee to the office of Lieutenant Governor is required, it is necessary to examine the above relevant language of the Constitution in light of the rules for construing constitutional provisions.

First of all, constitutional provisions are not open to construction as a matter of course. In re Applications A-16027 et al., 242 Neb. 315, 328, 495 N.W.2d 23 (1993), modified, 242 Neb. 419, 499 N.W.2d 548. "Construction of a constitutional clause is appropriate only when it has been demonstrated that its meaning is not clear and that construction is necessary." Id. Accord State ex rel. Spire v. Conway, 238 Neb. 766, 775, 472 N.W.2d 403 (1991).

When a constitutional provision is ambiguous, constitutional interpretation is necessary. In such cases, it is appropriate to search for intent. " 'Effect must be given to the intent of the framers of the organic law and of the people adopting it. This is the polestar in the construction of constitutions." In re Application A-16027 et al., 242 Neb. at 329 (quoting State ex rel. Western Tech. Com. Col. Area v. Tallon, 196 Neb. 603, 606, 244 N.W.2d 183, 186 (1976)).

When a constitutional amendment is adopted as the result of an initiative petition effort, intent must be ascertained only from the language of the amendment.

> {T}his jurisdiction is committed to the rule that the intent of the voters in adopting an initiative amendment to the Nebraska Constitution must be determined by the words of the amendment

itself, because there is no meaningful way to determine the motivations for submitting the initiative to the electorate or to determine the intent of those voting for its enactment.

State ex rel. Spire v. Public Emp. Ret. Bd., 226 Neb. 176, 183, 410 N.W.2d 463 (1987). However, when a constitutional amendment is proposed by the legislature, it is appropriate, when determining intent, to examine the legislative history of the resolution which placed the measure on the ballot. As the Nebraska Supreme Court has stated, "It is permissible to consider the facts of history in determining the meaning of language in the Constitution." State ex rel. State Railway Commission v. Ramsey, 151 Neb. 333, 341, 37 N.W.2d 502 (1949). "It is also appropriate and helpful to consider. . . the objects sought to be accomplished. . . ." Id.

The Nebraska Supreme Court has often examined the records of constitutional conventions to help determine intent. See, e.g., In re Applications A-16027 et al., 242 Neb. at 329. When an amendment is proposed by the legislature rather than by a constitutional convention, evidence of intent may be gathered from the legislative history. As the Nebraska Supreme Court held ninety years ago, "The legislature, in proposing an amendment to the constitution, acts in a capacity in strict analogy to that of a constitutional convention." Weston v. Ryan, 70 Neb. 211, 221, 97 N.W. 347 (1903). See Cummings v. Mickelson, 495 N.W.2d 493, 498-499 (S.D. 1993) ("In the case of constitutional amendments, the legislative history and historical background can also be of assistance should there be an ambiguity in the constitutional language which requires interpretation by principles of construction."); Washington Economic Dev. Fin. Auth. v. Grimm, 837 P.2d 606, 609 (Wash. 1992) ("To interpret a constitutional amendment, we examine the legislative history. . . .").

Analysis of Article IV, §§ 10, 11

Applying the foregoing rules of constitutional interpretation, we first look to the language of the constitution to determine whether the provision is clear on its face, or whether an ambiguity exists which requires construction.

When Article IV, sections 10, 11 and 12 are read together in context, it becomes clear that Article IV, § 10 applies only to initial appointments by the Governor of officials whose appointment or election is not otherwise provided for. Article IV, § 11 applies only to vacancies in elected state offices. Article IV, § 12 applies only to vacancies in nonelective state offices. Consequently, a vacancy in the office of the Lieutenant Governor is governed by Article IV, § 11. Section 10 is wholly inapplicable. Section 11 provides, "If any elected state office created by this Constitution . . . shall be vacated by . . . resignation . . . it shall be the duty of the Governor to fill that office by appointment. . . ." Unlike the adjacent sections 10 and 12, section 11 contains no requirement of legislative approval. It provides for appointment by the Governor without reference to legislative approval.

We conclude, therefore, Article IV, § 11 is not ambiguous on its face and would not be considered open to construction by a court.

"Courts must apply and must enforce the Constitution as it is written." State ex rel. Spire v. Public Emp. Ret. Bd., 226 Neb. at 178. A court would not likely even consider the legislative history of this provision. "{E}xtrinsic evidence which attempts to establish legislative intent, can be used only in the case of an . . . amendment to a constitution which is ambiguous on its face. On the other hand, when a statute or amendment to a constitution is clear, then no extrinsic evidence may be admitted as to legislative intent." Whitcomb v. Young, 279 N.E.2d 566, 574 (Ind. 1972).

We believe our conclusion is also supported by a previous decision of the Nebraska Supreme Court, Swanson v. State, 132 Neb. 82, 93-95, 271 N.W. 264 (1937). In Swanson, an action was brought to determine the legal status of the office of commissioner of public lands and buildings after adoption of a constitutional amendment.

> A careful examination of the amendment thus submitted and adopted discloses that what was actually done and accomplished was so clear and certain as to preclude construction, so far as the question here presented for consideration is concerned. It effected the deletion of the words "commissioner of public lands and buildings" from section 1, art. IV of the state Constitution, as theretofore existing. The new section 1, art. IV, created by this amendment, upon its adoption became a new, complete section of the Constitution, as much as if originally incorporated in the Constitution, and is to be construed accordingly. If possible, it must be harmonized with all the other provisions of the Constitution. 1 Cooley, Constitutional Limitations (8th ed.) 129, The well-recognized rule applicable is that effect must be given, if possible, to the whole instrument and to every section and clause, in the light of the historical development of the principle involved and contained therein. The Constitution as amended must be construed as a whole.

Swanson v. State, 132 Neb. at 93-94.

> So, also, it is a well-recognized canon of construction that, "when general and special provisions of a Constitution are in conflict, the special provisions should be given effect to the extent of their scope, leaving the general provisions to control in cases where the special provisions do not apply." 12 C.J. 709.
>
> It must also be remembered that, while it is the duty of the courts to ascertain and carry into effect the intent and purpose of the framers of a Constitution, or of an amendment thereto, duly adopted, this intent must be that which they have embodied in the instrument itself.

Id. at 94-95 (emphasis added).

> The adopted amendment is in the exact language of the original section except that the name "commissioner of public lands and buildings" is left out. We are of the opinion that these facts indicate a clear intent to eliminate the commissioner of public lands and buildings as a constitutional executive officer of this state.

Id. at 95-96. As with Article IV, § 11, the provision in question in Swanson had been amended by simply deleting reference to a particular constitutional office. Also, as in Swanson, the more specific provision for vacancies in elected offices (Art. IV, § 11) controls over the general provision for initial appointments (Art. IV, § 10).

Thus, we conclude the appointment of a new Lieutenant Governor upon the resignation of the person elected to such office is governed by Article IV, § 11 of the Nebraska Constitution. Under this provision, it is the duty of the Governor to fill that office by appointment, and no legislative approval is required.

Alternative Analysis of Article IV, § 11

Although we believe Article IV, § 11 would be found by a court to be clear on its face and not subject to interpretation, we are mindful of the historic significance of the question you have presented and also of the fact that legislative history does exist which is contrary to our conclusion that no legislative approval is required. Consequently, we will set forth an alternative analysis of Article IV, § 11 under the assumption the provision is ambiguous and would be subject to construction, including an examination of its legislative history.

Article IV, § 11 provides for the filling of vacant state elective offices by the Governor. It is silent as to whether legislative confirmation is required. The current version of Article IV, § 11 is the result of an amendment to the Nebraska Constitution adopted at the 1980 primary by a vote of 203,135 to 114,254. The amendment was placed on the ballot by Legislative Resolution 5, as adopted by the Nebraska Legislature.

> "Sec. 11. If any elected state office created by this Constitution, except offices provided for in Article 7 of this Constitution, ~~or the office of Lieutenant Governor,~~ shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill that office by appointment, and the appointee shall hold the office until his successor shall be elected and qualified in such manner as may be provided by law."

1979 Neb. Laws LR 5, § 1. Section 2 of LR 5 described the amendment as a "Constitutional amendment to allow the Governor to fill a vacancy in the office of the Lieutenant Governor." It said nothing about legislative approval.

An Attorney General's Opinion to Nebraska State Senator Murphy prior to adoption of LR 5 concluded the effect of amending the old Section 11 by striking the words "or the office of Lieutenant Governor," would be to "authorize the Governor to fill the Office of Lieutenant Governor by appointment should a vacancy occur." 1979-80 Rep. Att'y Gen. 7, 8 (Op. No. 5, dated 1-15-79). The opinion said nothing about approval of the appointment by the Legislature.

During legislative floor debate on LR 5, the subject of legislative confirmation of an appointed Lieutenant Governor was discussed several times.

SENATOR RUMERY: Would we follow the same procedure here as we do now and that is the Legislature would approve the appointment to Lieutenant Governor?

SENATOR MURPHY: The Governor makes his appointments with the advice and consent of the Legislature, Senator Rumery, and quite honestly I don't want to give you a positive answer on that because I am not certain. I believe what you are saying is true but subject to correction.

. . .

SENATOR MARSH: Thank you, Mr. Speaker. I would think that it is not necessary to be in compliance with the Legislature. When a Senator resigns or dies the appointment is made by the Governor and is not subject to a legislative okay. Therefore, I would assume this would be as are other appointments to elective positions and I would assume the Legislature does not interject itself in that proceeding.

SENATOR LEWIS: Senator Fowler.

SENATOR FOWLER: Senator Murphy, where is the copy on this constitutional amendment?

SENATOR MURPHY: I beg your pardon.

SENATOR FOWLER: Where is the copy of the resolution?

SENATOR MURPHY: The first page of book one, Senator. And in answer to Senator Rumery, in checking that particular section of the Constitution, Senator, I find that the advice and consent is not expressed in that section so I would assume he could do it without the advice and consent of the Legislature.

Floor Debate on LR 5, 86th Neb. Leg., 1st Sess. 1676-1697 (March 19, 1979).

SENATOR NEWELL: . . . One of the questions that I have is as I asked you earlier, does this allow, this constitutional amendment allow for the Legislature to approve the appointment of the Governor?

SENATOR MURPHY: Senator Rumery led me through that on General File, Senator Newell, and this section, section 11, does not indicate that, however, section 10 of article 4, does explicitly say that the Governor shall appoint to fill constitutional offices which this would be and that he does that only with the approval of the Legislature, so the Legislature under article 10, or under section 10

of article 4, rather than 11, but under 10, we very definitely would have the authority to approve or disapprove.

SENATOR NEWELL: Okay, now that is . . . The reason I ask this question is simply this. I wanted some legislative intent and I wanted to make sure that we have that kind of legislative intent. With that, I would, since I have these great assurances, right, Senator Murphy. One more time, just say yes.

SENATOR MURPHY: Yes.

Floor Debate on LR 5, 86th Neb. Leg., 1st Sess. 3296 (April 11, 1979).

Thus, the sponsor of LR 5 initially stated, "I find that the advice and consent is not expressed in that section {Art. IV, § 11} so I would assume he could do it without the advice and consent of the Legislature." Then, before final passage of the resolution, he stated that the Legislature would have "authority to approve or disapprove" of the appointment.

An examination of the dialogue reveals the Senator's final conclusion was based on the language of Article IV, § 10 and not Article IV, § 11. As discussed previously, section 10 does not apply to vacancies, but rather to initial appointments. Thus, the premise of the Senator's statement was incorrect.

With the adoption of the 1980 amendment, the vacancy provision must be viewed in the context of article IV, § 11 in its entirety. "When an amendment to the constitution is legally adopted, it becomes a part of that instrument, and its application to subsequent transactions must be considered precisely as though it had been originally adopted as a part thereof in its amended form." Sorensen v. Swanson, 181 Neb. 205, 212, 147 N.W.2d 620 (1967) (quoting State ex rel. Mortensen v. Furse, 89 Neb. 652, 131 N.W. 1030 (1911)). In other words, intent is to be determined not only from the legislative history, but from the language actually adopted. "While a practical interpretation of the constitution by the legislature will not be lightly disregarded in doubtful cases, yet, when the language of the constitution is free from ambiguity, an interpretation thereof by the legislative department cannot be invoked to nullify the fundamental law." State ex rel. Platte County v. Sheldon, 79 Neb. 455, 462, 113 N.W. 208 (1907) (quoting State v. Cornell, 60 Neb. 276, 83 N.W. 72 (1900)). "In construing a constitutional amendment to ascertain intent of the people in adopting it, courts must find such intent in the language of the amendment itself and must not hold that the people intended anything different than the language employed imports." Sorensen v. Swanson, 181 Neb. at 212-213.

Furthermore, extrinsic evidence beyond the Legislative history also clearly supports the conclusion that legislative approval is not required. The ballot language used for the 1980 amendment stated, "A vote FOR this proposal will allow the Governor to fill by appointment a vacancy

occurring in the office of the Lieutenant Governor the same as he is now authorized to do in case of a vacancy in any other elected state office. . . ." (Emphasis added). Thus, it is essential to view the language of Article IV, § 11 as it existed prior to 1980.

A review of the earlier history of Article IV, § 11 reveals additional evidence to support the conclusion that Article IV, § 10 applies only to initial appointments, while § 11 applies to vacancies. Prior to enactment of the 1980 amendment, the existing version of Article IV, §§ 10 and 11 was the result of a 1972 amendment which was intended to "rearrange and clarify the sections on appointment, removal and filling vacancies." Report of the Nebraska Constitutional Revision Commission, pp. 35, 39-40 (1971). The Minutes of the Nebraska Constitutional Revision Commission reveal that "new Section 10 . . . refers to appointment . . . of all persons other than those filling vacancies of elected officials. Then when you go to Section 11 that is for the elected officers for which there is a vacancy. Then you go to Section 12 and that is for non-elected officers to fill a vacancy." Id. at 1630.

Thus, it is clear that only section 11 applies to the current situation, notwithstanding the comments made during legislative floor debate in 1979. Significantly, no mention of legislative approval under Article IV, § 11 was mentioned by the 1971 Constitutional Revision Commission. "I think Section 11 proposal is fairly clear. It's talking about elected officers and filling vacancies." "If any elected office . . . shall be vacated . . . it shall be the duty of the Governor to fill that office by appointment." Id. at 1633. The omission of any requirement of legislative approval can hardly be said to be accidental in light of the express inclusion of such a requirement in sections 10 and 12 which were revised simultaneously. The provision in question applies not only to the Lieutenant Governor, but also to vacancies in other state offices. History reveals that appointments to the offices of State Treasurer and Attorney General, both since 1980, were not approved by the legislature.

Many constitutional provisions have parallel statutory provisions. In this case, Neb. Rev. Stat. § 32-1040 provides that "vacancies in office shall be filled in the following manner: "In state . . . offices . . . when no other method is especially provided, by the Governor. . . ." No legislative approval is required by the statute. See also 1949-50 Rep. Att'y Gen. 39-40 (1-10-49) (there is no requirement that the appointment to fill a vacancy in the membership of the Legislature be confirmed by the Legislature).

In conclusion, even when the legislative history and other extrinsic evidence are examined, our conclusion remains that Article IV, § 11 authorizes the Governor to appoint a new Lieutenant Governor upon the resignation of the person elected to such office, and no legislative approval is required.

Legislative Implications

Your opinion request was made in the context of possible legislative action. In that regard, we would note that an amendment to Article IV,

§ 11 either expressly requiring or not requiring legislative approval of vacancy appointees would certainly prevent any future confusion. Also, Article IV, § 11 provides that the person appointed shall hold the office until his successor shall be elected and qualified in such manner as may be provided by law. This provision would permit legislation to establish a special election prior to the completion of the term of an appointed elective state officer. See, i.e., Neb. Rev. Stat. § 32-1042 which provides for an election to fill a portion of an unexpired legislative term after the appointment by the Governor in certain circumstances. Any such legislation would, of course, have to comply with any other relevant constitutional provisions.

Finally, we note that if legal certainty beyond this opinion is desired by the new Lieutenant Governor, she may seek a judicial determination pursuant to Neb. Rev. Stat. §§ 84-718, 719 (1987). Such actions are authorized "whenever an issue arises involving the status . . . of an elective constitutional state officer. . . ." A hearing before the Nebraska Supreme Court is required to be set within ten days from the filing of the petition.

[1]Some confusion regarding the current situation is undoubtedly due to the fact the current version of Article IV, § 11 does not, for some unknown reason, appear in the 1989 Reissue of the Nebraska Revised Statutes. Normal research procedures reveal only the 1972 version. Likewise, the current Shepards does not note the 1980 amendment. One must look to the 1992 Cumulative Supplement of the Nebraska Revised Statutes to find the version which has been the law for thirteen years.

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

3-1317-3

Opinion No. 93079

DATE: September 29, 1993

SUBJECT: Ability of the Nebraska School Accountability Commission to Consider Legislative Intent in Developing Curriculum Frameworks and Standards for Nebraska Public Schools

REQUESTED BY: Senator Kate Witek
Nebraska Legislature

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

In the context of the necessity for additional legislation, you have requested an opinion of the Attorney General regarding the ability of the Nebraska School Accountability Commission, under current law, to consider legislative intent in developing curriculum frameworks and standards for Nebraska public schools.

The Nebraska School Accountability Commission (the "Commission") was created in April of 1992. Neb. Rev. Stat. § 79-4,235 (Cum.Supp. 1992). The duties of the Commission are set forth in §§ 79-4,236 and 79-4,237.

> (1) Phase I of the development of the accountability system shall begin September 1, 1992, and end September 1, 1994. The Nebraska School Accountability Commission shall develop broad curriculum frameworks and standards for learner outcomes which shall be based upon the frameworks, standards, and assessments determined by the School Restructuring Commission, including the curriculum areas listed in section 79-4,237. It is the intent of the Legislature that local school boards retain responsibility for the content of the instructional programs within the broad curriculum frameworks.
>
> (2) Phase II shall begin May 1, 1993, and end on May 1, 1996. Phase II shall provide for the development of a reliable, accurate, and educationally sound system of assessing student progress towards achieving the standards for learner outcomes determined pursuant to subsection (1) of this section.

Neb. Rev. Stat. § 79-4,236 (Cum.Supp. 1992).

> The Nebraska Schools Accountability Commission and the State Department of Education may work with other states or a multistate consortium to develop a system of authentic assessment of learner outcomes in mathematics, science, reading, language arts, and social studies. The department shall provide staff support to the commission in all phases. The commission shall also be charged with the development of the accountability system and shall report the progress of such development to the Legislature and the State Board of Education on an annual basis.

Neb. Rev. Stat. § 79-4,237 (Cum.Supp. 1992).

The key statutory language for purposes of your question is the Commission's duty, under Neb. Rev. Stat. § 79-4,236, to "develop broad curriculum frameworks and standards for learner outcomes which shall be based upon the frameworks, standards, and assessments determined by the School Restructuring Commission, including the curriculum areas listed in section 79-4,237." (Emphasis added). The phrase "learner outcomes" or "outcomes" is used eight times in sections 79-4,234 to 79-4,240 (the statutes pertaining to the Commission). However, nowhere in these statutes, or anywhere else in Nebraska law, is the phrase "learner outcomes" defined.

Our analysis of this provision must begin with a review of the rules of statutory construction under Nebraska law.

> A statute is not to be read as if open to construction as a matter of course. Where the words of a statute are plain, direct, and unambiguous, no interpretation is needed to ascertain the meaning. In the absence of anything to indicate the contrary, words must be given their ordinary meaning. It is not within the province of a court to read a meaning into a statute that is not warranted by the legislative language. Neither is it within the province of a court to read anything plain, direct and unambiguous out of a statute.

Gillam v. Firestone Tire & Rubber Co., 241 Neb. 414, 418, 489 N.W.2d 289, 292 (1992). See also County of Douglas v. Board of Regents, 210 Neb. 573, 577-78, 316 N.W.2d 62, 65 (1982).

However, when a statute is ambiguous, and therefore open to construction, legislative intent must be determined. See Iske v. Papio Natural Resources Dist., 218 Neb. 39, 352 N.W.2d 172 (1984). Legislative history may be examined to determine this intent. Pump and Pantry, Inc. v. City of Grand Island, 233 Neb. 191, 444 N.W.2d 312 (1989).

Here, the phrase "learner outcomes" is of uncertain meaning, and therefore, ambiguous. The ordinary meaning of the word "outcome" ("something that follows as a result or consequence") is not clearly applicable in the context of § 79-4,236. Rather, sections 79-4,234 to 79-4,240 seem to use the phrase "learner outcomes" in the context of professional jargon, as in the phrase "outcome based education." Thus, the term would not appear to be used in its ordinary sense, but rather in some technical sense which is subject to interpretation.

There can be no doubt the legislature clearly intended the curriculum frameworks and standards developed by the Commission were to have "absolutely nothing to do with psychological or psychiatric assessment," and they were not to be "values oriented."

During legislative floor debate, Senator Ron Withem stated, with respect to the bill which established the Commission and the Commission's duties:

> It establishes a group of citizens in the state who will determine what it is we want kids to learn and a way of assessing what those children learn. Secondly, it . . . has absolutely nothing to do with psychological or psychiatric evaluation. I know that was a concern that has been mentioned to you in some of the phone calls. Has absolutely nothing to do with psychological or psychiatric assessment. Again, there are people in the state that think the schools should not be dealing with students values, attitudes, personalities, should merely be dealing with factual information. Regardless of what your view is on that dichotomy of opinions, this bill has nothing to do with psychological assessment or . . . or psychiatric assessment. . . It's information for state policymakers, for local policymakers. How well do the kids in such and such an area in aggregate do in math? How well do they do in communication skills? How well do they do in history? It is not a values oriented. . . This bill has absolutely nothing to do with that. Nor does this bill establish a state curriculum. It's very clear, it's very clear that the

> intent of this bill is simply to say what skills we want young people to have when they come out of school in academic areas, and to develop methodologies of assessing whether our kids, in the aggregate, have those skills.

Floor Debate on LB 245, 92nd Neb. Leg., 2nd Sess., April 9, 1992 (Statement by Senator Withem).

This legislative history is so clear that it could not be disregarded by the Commission in determining its duties under § 79-4,236 even if the phrase "learner outcomes" was not ambiguous. A general rule of statutory construction is that one should not adhere to the ambiguity rule when it is obvious that the result reached would clearly distort the legislative purposes. Sutherland Stat. Const. § 48.01 at p. 302 (5th Ed.). Guidance in interpreting statutory meaning can also be found in National R.R. Passenger Corporation v. National Association of R.R. Passengers, 414, U.S. 453, 94 S.Ct. 690 (1974), in which the United States Supreme Court determined that "even the most basic general principles of statutory construction must yield to clear contrary evidence of legislative intent." (Citation omitted). 94 S.Ct. at 693.

Thus, we conclude the Commission's duties, pursuant to § 79-4,236, to "develop broad curriculum frameworks and standards for learner outcomes. . ." may, and should, be determined with reference to the legislative history of LB 245, Neb. Laws 1992. The legislature, in unequivocal terms, stated its intent that the broad curriculum frameworks and standards for "learner outcomes" to be developed by the Commission not be values oriented or deal with psychological or psychiatric assessment. Section 79-4,237 mentions assessment of "learner outcomes" only in the academic areas of "mathematics, science, reading, language arts, and social studies." Likewise, the legislative history of LB 245 states, "It's very clear, it's very clear that the intent of this bill is simply to say what skills we want young people to have when they come out of school in academic areas, and to develop methodologies of assessing whether our kids, in the aggregate, have those skills." Floor Debate on LB 245, 92nd Neb. Leg., 2nd Sess., April 9, 1992 (Statement by Senator Withem) (emphasis added). Thus, "learner outcomes" which are values oriented or which relate to "attitudes" or which "nurture mental health" or relate to "believing in ones own effectiveness" or "taking pride in one's own accomplishments," etc. exceed the statutory authority of the Nebraska School Accountability Commission and may not be included in the work product of the Commission notwithstanding the actions of the School Restructuring Commission. The work of the Nebraska School Accountability Commission is strictly limited by statute to academic subjects such as mathematics, science, reading, language arts and social studies.

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

Deputy Attorney General

3-1320-3

Opinion No. 93083

DATE: October 13, 1993

SUBJECT: Municipal Utility Billings

REQUESTED BY: Senator Floyd P. Vrtiska
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Linda L. Willard, Assistant Attorney General

You have asked several questions regarding charges by municipalities for utilities. Your first question is whether it is permissible under current statute for municipalities with combined utility ordinances to combine the fees charged for garbage hauling services with those charged for utilities such as water and/or electricity. We have found no current statutes that prohibit combining bills for utilities with garbage hauling services.

You next ask if it is permissible under current statute for municipalities with combined utility ordinances to disconnect a utility service for nonpayment of fees for services such as garbage hauling which are combined with that utility's billing. There are several statutes which currently exist that are addressed to the proper methods of notice and hearing when a utility seeks to disconnect services. None of these statutes specifically address the question which you have asked. However, in Garner v. City of Aurora, 149 Neb. 295, 30 N.W.2d 917 (1948), the Nebraska Supreme Court determined that a municipal public service could not attempt to collect a delinquent garbage disposal bill by shutting off the water supply of the patron. See also 64 Am. Jur. 2d Public Utilities § 18.

Your final question is whether garbage hauling is considered to be a "utility" under current statute the same as water and electricity. Nebraska statutes do not generally define utilities except as it relates to unclaimed property. Under the definition of utilities in the unclaimed property section, Neb. Rev. Stat. § 69-1301(h) (1990), garbage services would not be included as a utility. However, it has been included in the definition of utility in cases in several other states. In Southern Liquid Gas Company v. City of Dothan, 44 S.2d 744, 747, 253 Ala. 350 (1950), the court determined that an essential element of a "utility" is that it is both serving and is constituted to serve all inhabitants in the area who comply with reasonable conditions. In City of Wichita Falls v. Kemp Hotel Operating Company, 162 S.W.2d 150 (Tex. 1942), it was determined that the public service of ridding premises of waste and equipment used in connection therewith constituted a public

utility, and, therefore, the city's contract with an individual for removal and disposition of garbage was held to constitute a "public utility."

In summary, there is no prohibition under current statutes for municipalities with combined utility ordinances to combine the fees charged for garbage hauling services with those charged for utilities such as water and/or electricity. Additionally, under Nebraska case law, a municipality may not disconnect a utility service such as water or electricity for nonpayment of garbage hauling fees. Finally, Nebraska statutes do not currently define garbage services as a utility but case law from some states has included garbage service as a utility.

Sincerely,
DON STENBERG
Attorney General
(Signed) Linda L. Willard
Assistant Attorney General

28-03-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 93088

DATE: October 22, 1993

SUBJECT: Whether a vehicle with a commercial truck chassis that has been extensively modified at the factory for specific use as a "street sweeper" must be titled and registered in the State of Nebraska.

REQUESTED BY: Senator George Coordsen
District #32

WRITTEN BY: Don Stenberg, Attorney General
Paul N. Potadle, Assistant Attorney General

ANSWER: A vehicle with the commercial truck chassis that has been modified for specific use as a "street sweeper" is not subject to being titled and registered in the State of Nebraska.

Discussion:

Neb. Rev. Stat. §§ 60-102 through 60-117 provides the requirements for titling a vehicle in the State of Nebraska. Neb. Rev. Stat. § 60-102 (1992 Cum. Supp.) states that motor vehicle titling laws of the State of Nebraska shall not apply to,

> road and general-purpose construction maintenance equipment not designed or used primarily for the transportation of persons or property, including, but not limited to, ditch digging apparatus, well-boring apparatus, asphalt spreaders, bucket loaders, leveling

graders, earth moving carry-alls, power shovels, earth moving equipment, crawler trackers, back hose, bulldozers, and front end loaders. (Emphasis added).

If the commercial truck chassis carrying the street sweeping machine cannot be modified for any other use but a street sweeper, then the vehicle would fall within the exception provided in § 60-102 and would not be required to be titled in the State of Nebraska.

Whether or not a "street sweeper" would be exempt from motor vehicle registration has been addressed by this office in Attorney General Opinion No. 185 dated October 30, 1974. This office found that a vehicle commonly called a "street sweeper" which is used exclusively for the cleaning and maintenance of streets is exempt from motor vehicle registration. The provisions of the motor vehicle registration law provided in Chapter 60, Article 3 of the Nebraska Revised Statutes have changed since 1974, however, Attorney General Opinion, No. 185 holds true yet today. Neb. Rev. Stat. § 60-301(16)(g) (1992 Cum.Supp.) provides that a motor vehicle shall mean,

> Any vehicle propelled by any power or other muscular power except road and general-purpose construction and maintenance machinery not designed or used primarily in the transportation of persons or property, including, but not limited to, ditch digging apparatus, asphalt spreaders, bucket loaders, leveling graders, earth moving carry-alls, power shovels, earth moving equipment, crawler trackers, and self-propelled invalid chairs. (Emphasis added).

If the commercial truck chassis carrying the street sweeping machine cannot be modified for any other use but a street sweeper then the vehicle would appear to fall within the exception provided in § 60-301(16)(g) and would not be required to be a registered motor vehicle in the State of Nebraska.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Paul N. Potadle
Assistant Attorney General

46-1174-3

OPINION No. 93090

DATE: October 22, 1993

SUBJECT: LB 203 - Effective Date of Change in Waste Reduction and Recycling Fee.

REQUESTED BY: Senator Thomas R. Horgan
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General

L. Jay Bartel, Assistant Attorney General

You have requested our opinion regarding the effective date of the change in the waste reduction and recycling fee under § 21 of 1993 Neb. Laws, LB 203. You indicate that, based on our response to your question, you may introduce amendatory or clarifying legislation.

In 1990, the Legislature enacted the Waste Reduction and Recycling Act. 1990 Neb. Laws, LB 163, §§ 1-7 (codified at Neb. Rev. Stat. §§ 81-15,159 to 81-15,165 (Cum. Supp. 1992)). Section 81-15,163 provided for the collection of an annual fee on businesses engaged in retail sales of tangible personal property. Businesses with retail sales of at lease thirty thousand dollars and not more than one hundred ninety-nine thousand dollars were required to pay a fee of twenty-five dollars; businesses with retail sales of more than one hundred ninety-nine thousand dollars were required to pay a fee of fifty dollars. Section 81-15,164 provided that these fees were "to be collected {by the Department of Revenue} in the same manner as the litter fee under the Nebraska Litter Reduction and Recycling Act, including provisions of the act relating to due dates, interest, penalties, and collection procedures." The Nebraska Litter Reduction and Recycling Act provides that the annual litter fee is "due on or before October 1 each year, based upon the gross proceeds {of manufacturers or retailers} for the immediately preceding July 1 to June 30 period." Neb. Rev. Stat. §§ 81-1559 and 81-1560.01 (1987).

Section 21 of LB 203 eliminates the fifty dollar fee previously contained in § 81-15,163, and imposes a flat annual fee of twenty-five dollars on all businesses with retail sales of tangible personal property of thirty thousand dollars or more. Section 24 of LB 203 provides that § 21 became "operative on July 1, 1993." Section 81-15,164(2), which provides for the collection of the waste reduction and recycling fee in the same manner as the litter fee, remains in effect. Section 22 of LB 203, which eliminates this provision, will not become operative until December 1, 1994, and then only if proceeds received from the litter fee exceed a specified amount. LB 203, § 24.

Section 21 of LB 203 did not become operative until July 1, 1993. The amount of the waste reduction and recycling fee for the annual period from July 1, 1992, to June 30, 1993, must therefore be determined under the statute in effect for this period, which, as noted, requires payment by retailers of either a twenty-five dollar or fifty dollar fee, depending upon the retailer's volume of retail sales. The fact that the fee is reported and paid in October, after the effective date of § 21 of LB 203, does not alter this conclusion, as liability for the fee is determined under the statute in effect at the end of the annual period for which the fee was imposed, which was prior to the operative date of the amendment. The flat fee of twenty-five dollars does not, under the plain terms of the legislation, go into effect until the next annual reporting period.

We have reviewed the legislative history of LB 203, and recognize that it contains statements indicating that the fifty dollar fee would be

eliminated effective July 1, 1993. E.g., Floor Debate on LB 203, 93rd Neb. Leg., 1st Sess. 4117, 4127-28 (April 29, 1993) (Statement of Sen. Beutler). While this could be construed as indicating a legislative intent to eliminate liability for payment of the fifty dollar fee for the annual period ending prior to the effective date of § 21 of bill, but not paid until after the effective date, the bill itself does not evince such an intent. Further, while legislative history may provide guidance in the construction of an ambiguous statute, "{i}t cannot ordinarily serve to 'import an intent into legislation devoid of language fit to express it.'" Norden Laboratories, Inc. v. County Bd. of Equal., 189 Neb. 437, 440, 203 N.W.2d 152 (1973). In this instance, we believe the language of the bill, and, in particular, the effective dates established by the Legislature, necessitates our conclusion that the fifty dollar fee is not eliminated for the annual period ending prior to the operative date of § 21 of the act.

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

7-731-7.24

OPINION No. 93091

DATE: October 22, 1993

SUBJECT: If an official of the executive branch of state government who, in the discharge of his or her official duties, is required to take action or make a decision that may cause financial benefit or detriment to a business with which he or she is associated and which is under contract with the same executive branch of state government, what actions are required.

REQUESTED BY: Senator Dan Lynch
Nebraska Legislature

WRITTEN BY: Don Stenberg, Attorney General
Harold Mosher, Senior Assistant Attorney General

You have provided this office with a rough draft of a proposed legislative bill which, if enacted into operative law, would adopt the Comprehensive Rehabilitation and Assistive Technology Act (hereinafter, the "Act"). We note that section 3 of the Act creates a Comprehensive and Assistive Technology Advisory Committee comprised of fifteen members to provide, in an advisory capacity, technical assistance and support to the Division of Rehabilitation

Services of the State Department of Education in the development and implementation of the Act.

Part (3) of section 3 of the Act provides that one of the members of the above described committee shall be:

> a director or administrator of a consumer controlled corporation qualifying under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which corporation has been in existence for at least five years, is an advocate for brain and head injured persons exclusively, and whose membership consists primarily of individuals with disabilities whose primary disability results from brain or head injuries,".

Part (3) of section 7 of the Act provides:

> The Division of Rehabilitation Services of the State Department of Education shall contract with a consumer-controlled private corporation qualifying under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, that has been in existence for at least five years, which is exclusively an advocate for individuals with disabilities whose primary disability results from brain or head injuries, and whose membership consists primarily of such individuals to carry out the provisions of this section. (Emphasis added).

First, a bit of housekeeping. It appears that the language underscored above in part (3) of section 3 and part (3) of section 7 of the Act should be deleted or redrafted inasmuch as the language underscored is ambiguous when considered with the whole. For the purpose of this response, we assume the language underscored in the two sections will be deleted.

It is to be noted at the outset that the Division of Rehabilitation Services of the State Department of Education is a public body and its business must be conducted in compliance with the provisions of the Nebraska Public Meetings Law. Those provisions require open public meetings, advance public notice of the time and place of the meetings, and an agenda for the meetings. In addition, all contracts entered into by the Division of Rehabilitation Services of the State Department of Education must be kept on file in its office and are subject to public inspection pursuant to the provisions of Neb. Rev. Stat. §§ 84-712 and 84-712.01 (Reissue 1987).

It is also to be noted that a member of the Comprehensive and Assistive Technology Advisory Committee is an official of the executive branch of state government. Therefore, if in the discharge of his or her official duties the member is required to take any action or make any decision that may cause financial benefit or detriment to him or her or a business with which he or she is associated and which is under contract with the Division of Rehabilitation Services of the State Department of Education pursuant to part (3) of section 7 of the Act, which is distinguishable from the effects of such action on the public generally, or a broad segment of the public, the member must take action as described in Neb. Rev. Stat. § 49-1499 (Cum.Supp. 1992) as

soon as he or she is aware of such potential conflict, or should reasonably be aware of such potential conflict, whichever is sooner.

Respectfully submitted,
DON STENBERG
Attorney General
(Signed) Harold I. Mosher
Senior Assistant Attorney General

20-260-3

Opinion No. 93099

DATE: December 6, 1993

SUBJECT: Nebraska Statutes Pertaining to the Residency of Military Personnel Stationed Outside the State of Nebraska

REQUESTED BY: Senator Mike Avery
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

You have apparently been contacted by counsel for two married constituents who are in the United States Air Force and stationed in Germany. From your correspondence, we understand that those individuals are declared residents of Nebraska, and that they pay taxes in Nebraska, vote in Nebraska and have their driver's licenses issued by the State of Nebraska. Those individuals now wish to adopt a child born in June of 1993 to another member of the United States Air Force. They apparently have the necessary consents and other papers. However, a Sarpy County Judge will not allow the potential adoptive parents to file a Petition for Adoption in Sarpy County or to set a hearing date on the adoption because, in part, he questions the adoptive parents' residency in Nebraska. You state that you are concerned about the situation involving these individuals and other military personnel who may be Nebraska residents and who may have similar difficulties. Consequently, you requested our opinion on the following question: "{i}s it necessary to amend the current Nebraska statutes to define 'residency' for military personnel or do the statutes already address the residency status of military personnel while stationed outside the state of Nebraska?"

In your opinion request letter, you did not cite us to any particular portions of the Nebraska Statutes. As a result, we reviewed the statutes in general, and we found no Nebraska Statutes which directly address the matter referenced in your opinion request. There are some statutes which deal with the residency of military personnel in other contexts. For example, Neb. Rev. Stat. § 43-102.01 (1988) provides that, for

purposes of adoption, persons serving in the armed forces of the United States who have been continuously stationed at a military installation in Nebraska for a period of one year prior to filing a petition for adoption shall be considered residents of Nebraska and the county where the installation is located. In addition, Neb. Rev. Stat. § 32-1049 (1988), a part of the election statutes, provides that military personnel stationed in Nebraska shall not be deemed residents of Nebraska in consequence of being stationed here (presumably with respect to elections). However, we were able to find no statutes which specifically address the residency of military personnel while stationed outside of Nebraska, in the context of adoption or otherwise. Therefore, if you wish to remedy this situation by statute, we suggest that you consider introducing appropriate legislation.

For your further information, we would also note the following language in Willie v. Willie, 167 Neb. 449, 460, 93 N.W.2d 501, 508 (1958),

> The residence of a person in the military service of his country is in no way affected by such service. He does not abandon or lose the residence he had when he entered such service by being required to live at certain army posts in other states or countries.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
05-10-14.op

OPINION No. 93101

DATE: December 10, 1993

SUBJECT: Scope of Coverage of Neb. Rev. Stat. § 35-107 (1988).

REQUESTED BY: Senator Floyd P. Vrtiska, District No. 1
Nebraska Legislature

WRITTEN BY: Don Stenberg, Attorney General
Lisa D. Martin-Price, Assistant Attorney General

You have asked whether Neb. Rev. Stat. § 35-107 (1988), applies to Emergency Medical Technicians (EMTs) so long as they are volunteers. Our reading of this statute indicates that it would indeed include Emergency Medical Technicians as set forth more fully below.

Neb. Rev. Stat. § 35-107 provides in pertinent part:

> No member of a volunteer fire department or of a volunteer first-aid, rescue, or emergency squad which provides emergency public first-aid and rescue services shall be liable in any civil action to respond in damages as a result of his acts of commission or omission arising out of and in the course of his rendering in good faith any such services. . . .
>
> Nothing in the section shall be deemed to grant any such immunity to any person causing damage by his willful or wanton act of commission or omission.

After reviewing this statute, it is clear that Emergency Medical Technicians would be covered by the provisions of this statute, provided they are a member of a "volunteer first-aid, rescue, or emergency squad" providing "emergency public first-aid and rescue services," and provided they had not caused damages by "willful or wanton act of commission or omission."

While you have not mentioned it, in the event that it would have some bearing upon your question, we wanted to bring to your attention the provisions set forth in Neb. Rev. Stat. § 71-5111 (1990), which deal with the immunity from liability of certified Emergency Medical Technicians.

Sincerely,
DON STENBERG
Attorney General
(Signed) Lisa D. Martin-Price
Assistant Attorney General

cc: Patrick O'Donnell
Clerk of the Legislature
18-1073-7.24

OPINION No. 93102

DATE: December 9, 1993

SUBJECT: Whether Retail Establishments Without Interstate Dealings are "Qualifying Businesses" Under the Local Option Municipal Economic Development Act, Neb. Rev. Stat. §§ 18-2701 to 18-2738 (1991 & 1993 Neb. Laws)

REQUESTED BY: Senator Jim D. Cudaback
Nebraska State Legislature

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

In order to avoid introducing unnecessary legislation, you have asked whether local retail establishments, "regardless of interstate commerce dealings or holdings," are qualifying businesses under the

Local Option Municipal Economic Development Act, Neb. Rev. Stat. §§ 18-2701 to 18-2738 (1991 & 1993 Neb. Laws) (Act). We interpret your question to mean whether local retail establishments which do not have interstate dealings or holdings are eligible for financial assistance under the Act.

Aimed at providing incentives for businesses to expand or locate in Nebraska municipalities, the Act authorizes financial assistance from local sources of revenue to qualifying businesses. §§ 18-2702, -2705, -2713. Qualifying businesses are defined as follows:

> Qualifying business shall mean any corporation, partnership, limited liability company, or sole proprietorship which derives it principal source of income from any of the following: The manufacture of articles of commerce; the conduct of research and development; the processing, storage, transport, or sale of goods or commodities which are sold or traded in interstate commerce; the sale of services in interstate commerce; headquarters facilities relating to eligible activities as listed in this section; telecommunications activities; or tourism-related activities. In cities with a population of two thousand five hundred inhabitants or less, a business shall be a qualifying business even though it derives its principal source of income from activities other than those set out in this section.
>
> . . . .
>
> A qualifying business need not be located within the territorial boundaries of the city from which it is or will be receiving financial assistance.

§ 18-2709 (quoted in relevant part).

> "A statute is not to be read as if open to construction as a matter of course. Where the words of a statute are plain, direct, and unambiguous, no interpretation is needed to ascertain the meaning. In the absence of anything to indicate the contrary, words must be given their ordinary meaning. It is not within the province of a court to read a meaning into a statute that is not warranted by the legislative language. Neither is it within the province of a court to read anything plain, direct and unambiguous out of a statute."

Gillam v. Firestone Tire & Rubber Co., 241 Neb. 414, 418, 489 N.W.2d 289, 292 (1992) (quoting County of Douglas v. Board of Regents, 210 Neb. 573, 577-78, 316 N.W.2d 62,65 (1982)). See also Weimer v. Amen, 235 Neb. 287, 295-96, 455 N.W.2d 145, 152 (1990).

The plain meaning of section 18-2709 indicates that local retail establishments which do not deal in interstate commerce would be qualifying businesses under the Act only if they were corporations, partnerships, limited liability companies, or sole proprietorships which derive their principal source of income from manufacturing articles of commerce, conducting research and development, performing telecommunications or tourism-related activities, or serving as the headquarters for facilities performing any of these activities. If the local retail establishment at issue operates in a city with a population of

2,500 or less, the establishment would be a qualifying business under the Act regardless of how it derives its principal source of income.

If you wish to include in the Act's definition of "qualifying business" more local retail establishments than those which derive their principal source of income from the above-listed activities, you should consider introducing legislation to that effect. Since meaning that is not warranted by legislative language will not be read into a statute, it is necessary to clarify section 18-2709 in this regard.

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

cc: Patrick J. O'Donnell
Clerk of the Legislature
13-425-6.93D

NATURAL RESOURCES DISTRICT REPORTS

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1993 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lower Elkhorn Natural Resources District	
Jewell, Gatz, Collins, Fitzgerald & DeLay	7,654.14
Jewell, Gatz, Collins, Fitzgerald & DeLay	8,205.84
Lower Niobrara Natural Resources District	
Palmer & Kozisek, P.C., Attorneys at Law	758.50
Baron, Sar, Goodwin, Gill, Lohr & Horak	3,342.16
Johnson, Elkund & Abourezk	789.25
Lower Platte South Natural Resources District	
Crosby, Guenzel, Davis, Kessner & Kuester law firm	30,585.24
Lower Republican Natural Resources District	
Duncan, Duncan, Jelken & Walker, Alma, NE	120.00
North Platte Natural Resources District	
Holtorf, Kovarik, Ellison & Mathis, P.C.	662.60
Twin Platte Natural Resources District	
Nielsen & Birch Law Office	1,491.00
Upper Loup Natural Resources District	
Arganbright Law Office	545.75
Upper Niobrara-White Natural Resources District	None
Upper Republican Natural Resources District	
Terry Savage, Attorney at Law	7,815.00

REPORTS

The following reports were received by the Legislature:

Third annual report from the Nebraska Department of Environmental Quality in response to LB 528, 1991.

Report from the Department of Social Services on limitations to optional Medicaid services in accordance with the requirements of LB 804, 1993.

Report from the Department of Social Services on cost sharing for Medicaid services in accordance with the requirements of LB 808, 1993.

Minutes from the Department of Roads of the Board of Public Roads Classifications and Standards for the months of May, June, July, September, October, and November 1993.

Report from the Nebraska Department of Revenue, Finance and Research Division, of the monthly consensus estimates of General Fund receipts pursuant to LB 38, Section 1, 1993.

Report from the Department of Revenue and Legislative Fiscal Office of FY 1992-93 LB 1059 tax receipts in accordance with the requirements of LB 541, Section 36, 1993.

Report from the Department of Environmental Quality showing the financial status of Program #518, Construction Grants Program, in accordance with the provisions of Section 81-1533 of the Reissue Revised Statutes of Nebraska.

Report from the Department of Environmental Quality showing the financial status of Program #523, Small Town Grants Program, in accordance with the provisions of Section 81-15,153 of the Statutes of Nebraska.

Statements of deposits from the Department of Roads to the Highway Cash fund and Roads Operation Cash fund for the months of May, June, July, August, September, October, and November 1993 in compliance with section 66-4,144, R.S. Supp. 1992.

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

Quarterly reports from the Department of Roads for the State Highway Commission for the periods ending June 30 and September 30, 1993 pursuant to Nebraska Revised Statutes Section 39-1111 (1988).

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

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

Quarterly reports from the Nebraska Investment Finance Authority on the use of the proceeds of the 1992 Series A and Series B Community Development Loan Notes (City of Lincoln - 1992) Program from August and November 1993 pursuant to Neb. Rev. Stat. § 58-270(4).

Summary report from the Nebraska Investment Finance Authority (NIFA) for the Agricultural Division pursuant to Nebraska Revised Statute Section 58-246.

Reports from the Nebraska Energy Office covering the financial condition of the Natural Gas Revolving Loan Fund for the quarters ending June 30 and September 30, 1993 as required by Section 010 of the regulations for the Municipal Natural Gas Regulation Act (Sec. 19-4617, R.R.S. 1943).

Amendment to the officer and employee bond report filed in 1991 from the State Claims Board in accordance with Section 11-203, Reissue Revised Statutes of Nebraska, 1943.

Report from the Department of Revenue of examination of State of Nebraska Auditor of Public Accounts in accordance with the provisions of Statute 81-106.

Progress report from the Nebraska State Historical Society as required by LB 1022, 1992.

Second quarter audit reports and/or management letters from the Auditor of Public Accounts for the following: Letter to the Management of the State of Nebraska; CAFR, State of Nebraska; NE State Patrol Investigative and Auto Theft Cash Funds; NE Abstracters', Board of Examiners; NE Department of Administrative Services; NE Department of Public Institutions; NE Public Employees' Retirement Systems; NE Coordinating Commission for Postsecondary Education; NE Oil and Gas Conservation Commission; NE Game and Parks Commission; NE Power Review Board; NE State Racing Commission; NE Department of Correctional Services; NE Supreme Court; NE Electrical Board; NE Foster Care Review Board; NE Department of Social Services; NE Military Department; NE Library Commission; NE Board of Agriculture; NE Gasohol Committee; NE Accountability and Disclosure Commission; NE Department of Agriculture; State Treasurer of Nebraska; NE Department of Justice; NE Department of Revenue

Charitable Gaming Division Petty Cash Fund; NE Energy Office; NE Wheat Development, Utilization, and Marketing Board; State Electrical Division; NE Department of Health; NE Department of Labor; NE Department of Economic Development; NE Board of Examiners for Professional Engineers and Architects; NE Natural Resources Commission; NE Department of Roads; NE Workers' Compensation Court.

Third quarter audit reports and/or management letters from the Auditor of Public Accounts for the following: Public Employees' Retirement Systems - School Employees', Judges', and State Patrol's Retirement Systems; Public Employees' Retirement Systems - State and County Employees' Retirement Plans; State Board of Examiners for Land Surveyors; NE Mexican-American Commission; State Athletic Commission; NE Board of Barber Examiners; NE Dept. of Water Resources; State of NE Office of the Governor; NE State Board of Public Accountancy; NE Dry Bean Commission; NE Department of Environmental Quality.

Annual report and plan of work from the Natural Resources Commission for the Nebraska State Water Planning and Review Process in accordance with section 2-15,106 of the Nebraska Revised Statutes.

Annual report from the Department of Correctional Services addressing juvenile commitments, placements, and evaluations at the youth development centers as required by LB 663 (1990), Section 15.

Annual report from the Governor's Policy Research Office of the Nebraska Geographic Information System Steering Committee as required by LB 639 (codified as §81-2601 - §81-2605), 1991.

Annual report from the Department of Roads, Highway Safety Division, of traffic accident facts for 1992.

Reports from the State Treasurer for May, June, July, August, and September.

Documents from the Department of Agriculture in accordance with the provisions of §89-186: copy of the standards of the National Conference on Weights and Measures published in the National Institute of Standards and Technology, Handbook 44; copy of the Uniform Regulation for the Method of Sale of Commodities and a copy of the Uniform Packaging and Labeling Regulation of the National Conference on Weights and Measures, published in the National Institute of Standards and Technology, Handbook 130; and a copy of the procedures designated in National Institute of Standards and Technology, Handbook 133, as it exists on September 9, 1993.

Annual report from the Legislative Program Evaluation Committee as required by the Legislative Program Evaluation Act, Section 50-1205.

Annual report from the Department of Revenue, Lottery Division, in compliance with Neb. Rev. Stat., section 9-809(2) R.S.Supp. 1993.

Report from the Department of Revenue of the sector analysis study mandated by LB 719A, 1992.

Report from the Department of Roads of the 1993 State Highway Plan and Needs in accordance with the provisions of Nebraska Revised Statutes, Section 39-1365.02, 1988 Supplement.

Annual report from the Nebraska Public Service Commission on the status of the Nebraska telecommunications industry.

Annual report from the Nebraska Public Counsel/Ombudsman pursuant to Section 81-8.251, R.R.S. 1943.

Annual report from the Nebraska State Historical Society for 1992-1993.

Area summaries from the Department of Labor for the state, Omaha, Lincoln, and nonmetropolitan areas on employment and unemployment rates.

Preliminary report from the Department of Education for the Steering Committee appointed to study the educational programs, services, and accommodations provided for children with hearing impairments.

Progress report from the University of Nebraska regarding the Nebraska Research Initiative.

Report from the University of Nebraska Medical Center on educating health professionals to serve Nebraska in accordance with LB 505, 1993.

Report from the Department of Insurance on the summary of insurance business in Nebraska for the year 1992.

Recommendations from the Department of Agriculture, Agricultural Land Valuation Advisory Board, to the Nebraska Legislature for improvements or refinements to the method of valuing agricultural land.

Annual report from the Nebraska Commissioners on Uniform State Laws.

Report from the Department of Social Services on early childhood licensing.

Tenth annual report from the State Foster Care Review Board pursuant to Neb. Stat. Section 43-1303(4), R.R.S.

Annual report from the Department of Social Services for the Disabled Persons and Family Support Program pursuant to Section 68-1518, Reissue Revised Statutes of Nebraska, 1943.

Second annual report from the Department of Social Services for the Nebraska Community Service Programs, Employable General Assistance Recipients, in compliance with Neb. Rev. Stat. 68-155.9.

Report from the Nebraska Department of Education of the Steering Committee for programs, services, and accommodations for children who are deaf or hard of hearing in compliance with LB 643, 1993.

Report from the Department of Social Services of a proposal for a Medicaid Managed Care Plan to the Medicaid Managed Care Commission in compliance with LB 816, 1993.

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

Status report from the Department of Administrative Services of the Intergovernmental Data Services System as required by Section 5 of LB 543 (1993).

Final report from the Equal Opportunity Commission as required by LB 124, 1993.

Comprehensive annual financial report from the State of Nebraska for the fiscal year ended June 30, 1993.

Interim planning report from the Nebraska Geographic Information Systems Steering Committee pursuant to LB 541, 1993.

COMMUNICATIONS

Received a copy of House Joint Resolution No. 27 from the State of Alaska relating to an amendment to the Constitution of the United States prohibiting desecration of the Flag of the United States.

Received a letter from the Nebraska Supreme Court pursuant to Neb. Rev. Stat. § 24-810(2)(d) (Cum. Supp. 1992) reporting that a vacancy exists in the office of District Judge for the State of Nebraska in and for the 4th Judicial District.

MOTION - Election of Committee on Committees Member

Mr. Haberman moved to proceed to the election to fill the vacancy on District 4 of the Committee on Committees.

The motion prevailed.

EASE

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

MOTION - Committee on Committees Report

Mr. Haberman offered the following report of the District 4 caucus.

Mrs. Hillman was elected to represent the 4th District caucus on the Committee on Committees.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 846. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to recreational trails; to amend section 37-1507, Revised Statutes Supplement, 1992; to change an internal reference; and to repeal the original section.

LEGISLATIVE BILL 847. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to mail routes; to amend sections 39-1001, 39-1005, 39-1006, and 39-1008, Reissue Revised Statutes of Nebraska, 1943; to change internal references; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 848. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to highways; to amend sections 39-1320.01, 39-1320.06, 39-1320.08, 39-1320.10, and 39-1320.11, Reissue Revised Statutes of Nebraska, 1943; to change internal references; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 849. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to the youth development centers; to amend section 83-468, Reissue Revised Statutes of Nebraska, 1943; to delete internal references to three sections repealed in 1969; and to repeal the original section.

LEGISLATIVE BILL 850. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Motor Vehicle Industry Licensing Board; to amend section 60-1403, Reissue Revised Statutes of Nebraska, 1943; to change internal references; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 851. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to jails; to amend section 47-112.01, Reissue Revised Statutes of Nebraska, 1943; to provide for applicability of a definition; and to repeal the original section.

LEGISLATIVE BILL 852. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to insurance; to amend section 44-1215, Reissue Revised Statutes of Nebraska, 1943; to eliminate an obsolete reference; and to repeal the original section.

LEGISLATIVE BILL 853. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to health; to amend section 71-1,293, Reissue Revised Statutes of Nebraska, 1943; to eliminate an obsolete reference; to substitute other references as prescribed; and to repeal the original section.

LEGISLATIVE BILL 854. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to educational telecommunications; to amend section 79-2102, Revised Statutes Supplement, 1992; to eliminate obsolete language; and to repeal the original section.

LEGISLATIVE BILL 855. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1802, Reissue Revised Statutes of Nebraska, 1943; to delete a reference to a repealed section; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 856. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to elections; to repeal provisions governing the Presidential Primary Election Study Committee; and to repeal section 32-562, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 857. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to insurance; to repeal provisions governing an assessment for the years 1988, 1989, and 1990; and to repeal sections 44-159 and 44-160, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 858. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to education; to amend sections 79-328, 79-437.03, 79-451, 79-4,105.01, 79-4,158.01, 79-4,224, and 79-1302, Revised Statutes Supplement, 1992, and sections 79-101.01, 79-445, 79-1303, and 79-3333, Revised Statutes Supplement, 1993; to delete references to nonresident high school tuition and the county nonresident high school tuition fund; to delete references to repealed sections; to harmonize provisions; and to repeal the original sections, and also sections 79-4,100 and 79-2316, Reissue Revised Statutes of Nebraska, 1943, and sections 79-438.08, 79-494, and 79-3336, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 859. Introduced by Executive Board: Hall, 7, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-121, 53-170, 53-189, 53-198, 53-199, 53-1,101 to 53-1,103, 53-1,107 to 53-1,111, and 53-1,113, Reissue Revised Statutes of Nebraska, 1943, sections 53-123.13 and 53-139, Revised Statutes Supplement, 1992, and sections 48-1902, 53-103, and 53-123.04, Revised Statutes Supplement, 1993; to change internal references; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 860. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-215.03, Revised Statutes Supplement, 1993; to change the time allowed by a limited permit for hunting certain animals; and to repeal the original section.

LEGISLATIVE BILL 861. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to employment security; to amend section 48-628, Revised Statutes Supplement, 1992; to eliminate a condition disqualifying an applicant from benefits; and to repeal the original section.

LEGISLATIVE BILL 862. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to mortgage bankers; to amend section 45-713, Revised Statutes Supplement, 1992; to prohibit the sale of a mortgage loan or the transfer of the servicing rights of a mortgage loan without the written consent of the borrower; and to repeal the original section.

LEGISLATIVE BILL 863. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to criminal history record information; to amend section 29-210, Reissue Revised Statutes of Nebraska, 1943; to authorize school districts and nonpublic schools to require criminal history record information; to provide duties for the Nebraska State Patrol, the Commissioner of Education, and the State Board of Education; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 864. Introduced by Haberman, 44.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-301, 60-601, 60-605, 60-6,294, and 60-6,303, Revised Statutes Supplement, 1993; to exempt agricultural floater-spreader implements from weight and load restrictions and enforcement provisions; to define a term; to state intent; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 865. Introduced by Haberman, 44.

A BILL FOR AN ACT relating to revenue and taxation; to prohibit state financing of tax reductions and incentives.

LEGISLATIVE BILL 866. Introduced by Haberman, 44.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 1993; to modify federal adjusted gross income for state income tax purposes as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 867. Introduced by Haberman, 44.

A BILL FOR AN ACT relating to motor vehicle insurance; to require payments under comprehensive coverage as prescribed.

LEGISLATIVE BILL 868. Introduced by Landis, 46.

A BILL FOR AN ACT relating to dispute resolution; to amend section 25-2914, Revised Statutes Supplement, 1992; to change provisions relating to confidentiality in matters referred to mediation; and to repeal the original section.

LEGISLATIVE BILL 869. Introduced by Landis, 46; Robak, 22.

A BILL FOR AN ACT relating to telecommunications; to amend sections 75-109, 75-609, 75-610, 86-801, 86-805, and 86-809, Reissue Revised Statutes of Nebraska, 1943, sections 86-803, 86-804, and 86-811, Revised Statutes Supplement, 1992, and sections 75-604 and 86-802, Revised Statutes Supplement, 1993; to name an act; to provide for additional declarations of the Legislature; to redefine terms; to provide for rules and regulations; to change and eliminate provisions relating to telecommunication companies and the method of rate regulations; to change provisions relating to the denial of certification to telecommunication companies; to eliminate a prohibition on regulation; to harmonize provisions; and to repeal the original sections, and also sections 75-609.01 and 86-808, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 870. Introduced by Landis, 46; Robak, 22.

A BILL FOR AN ACT relating to telecommunications; to amend sections 75-109, 75-609, 75-609.01, and 86-801, Reissue Revised Statutes of Nebraska, 1943, section 86-803, Revised Statutes Supplement, 1992, and section 86-802, Revised Statutes Supplement, 1993; to provide additional legislative findings and declarations; to redefine and change terms; to change provisions relating to provided services; to harmonize provisions; to eliminate certain provisions relating to telephone service in an adjacent exchange; and to repeal the original sections, and also sections 75-613 to 75-615 and 86-808, Reissue Revised Statutes of Nebraska, 1943, and section 75-612, Revised Statutes Supplement, 1993.

LEGISLATIVE BILL 871. Introduced by Landis, 46; Crosby, 29.

A BILL FOR AN ACT relating to the Local Option Revenue Act; to amend section 77-27,142, Reissue Revised Statutes of Nebraska, 1943; to authorize an increase in sales and use tax in cities of the primary class as prescribed; and to repeal the original section.

LEGISLATIVE BILL 872. Introduced by Moore, 24.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-128, Revised Statutes Supplement, 1993; to change

provisions relating to hearings as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 873. Introduced by Moore, 24.

A BILL FOR AN ACT relating to school buses; to amend sections 75-109 and 79-487, Reissue Revised Statutes of Nebraska, 1943, and sections 60-329 and 75-303, Revised Statutes Supplement, 1993; to permit the use of school buses by certain organizations as prescribed; to exempt such use from regulation by the Public Service Commission; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 874. Introduced by Moore, 24; Schimek, 27.

A BILL FOR AN ACT relating to land surveying; to amend sections 81-8,108, 81-8,110.01 to 81-8,110.07, 81-8,110.13, 81-1,110.15 to 81-8,115, 81-8,117, 81-8,118, 81-8,119.01 to 81-8,121, and 81-8,122.02 to 81-8,125, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,109, Revised Statutes Supplement, 1992; to eliminate obsolete provisions; to redefine terms; to change provisions relating to meetings and procedures of the examining board, duplicate certificates, examinations, fees, and certificate renewal; to provide for probation; to eliminate the examination committee; to harmonize provisions; and to repeal the original sections, and also sections 81-8,110.09, 81-8,110.10, and 81-8,116, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 875. Introduced by Warner, 25.

A BILL FOR AN ACT relating to educational service units; to amend sections 77-3439 and 79-2210, Revised Statutes Supplement, 1993; to authorize property tax increases for accessibility barrier elimination projects as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 876. Introduced by Vrtiska, 1; Abboud, 12; Robak, 22.

A BILL FOR AN ACT relating to savings and loan associations; to amend section 8-355, Revised Statutes Supplement, 1993; to revise the power of savings and loan associations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 877. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to the Nebraska Sale of Checks Act; to amend section 8-1003, Reissue Revised Statutes of Nebraska, 1943; to exempt credit unions from the act; and to repeal the original section.

LEGISLATIVE BILL 878. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,120.01, Revised Statutes Supplement, 1993; to revise the power of credit unions; to repeal the original section; and to declare an emergency.

UNANIMOUS CONSENT - Member Excused

Mr. Elmer asked unanimous consent to be excused. No objections. So ordered.

EASE

The Legislature was at ease from 11:17 a.m. until 11:43 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 879. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to sales and use tax; to amend sections 77-2701, 77-2702.07, and 77-2702.13, Revised Statutes Supplement, 1993; to exempt sales of feed, water, veterinary medicines, and agricultural chemicals used in caring for certain animal life; to redefine terms; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 880. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2702.13, Revised Statutes Supplement, 1993; to redefine retail sale relating to veterinary medicines and chemicals; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 881. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to state colleges; to amend section 85-501, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to nonresident fees; and to repeal the original section.

LEGISLATIVE BILL 882. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to fences; to amend sections 34-106, 34-107, 34-108, 34-110, and 34-111, Reissue Revised Statutes of Nebraska, 1943; to change the method of selecting fence viewers; to change a fee; to change the procedure for assessment and collection of damages; to eliminate a provision relating to the recovery of damages;

and to repeal the original sections, and also section 34-114, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 883. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to real estate licensees; to state intent; to define terms; to provide for fiduciary obligations of a licensee to a client; to provide for single agents, subagents, dual agents, and other relationships between a licensee and a client; to require and prohibit disclosure of certain information; to require policies and provide procedures; to require rules and regulations; to provide operative dates; and to provide severability.

LEGISLATIVE BILL 884. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to limited liability companies; to amend sections 2-1816, 2-1825, 2-2406, 21-2070, 21-2071, 21-2075, 21-2076, 48-125.01, 54-726.04, 54-761, 54-1510, 54-1802, and 67-248.02, Reissue Revised Statutes of Nebraska, 1943, section 54-1603, Revised Statutes Supplement, 1992, and sections 1-157, 1-168, 2-1091.01, 2-2624, 2-2635, 2-5002, 8-1101, 8-1102, 8-1103, 8-1109, 8-1118, 8-1717.01, 9-1,104, 9-620, 9-642, 9-826, 9-834, 21-2601, 21-2602, 21-2605, 21-2606, 21-2611, 21-2612, 21-2615, 21-2619, 21-2620, 21-2622, 21-2628, 21-2631, 21-2632, 21-2634, 25-1081, 28-613, 29-1507, 30-2717, 37-101, 44-2821, 44-2824, 44-2837, 44-32,125, 44-5903, 48-115, 48-652, 48-1704, 49-1408, 54-1902, 59-812, 59-814, 59-1735, 59-1739, 60-348, 60-6,247, 60-6,291, 60-1411.02, 66-729, 67-251, 71-2023, 75-139.01, 75-909, 77-1201, 77-27,188.01, 77-27,194, 81-8,127, 88-543, and 88-545, Revised Statutes Supplement, 1993; to change provisions relating to limited liability companies; to require and provide for a registration certificate for limited liability companies providing professional services; to provide for and change fees; to eliminate a tax; to provide merger and consolidation procedures; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 885. Introduced by Kristensen, 37; Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-513, 46-133, 77-202.04, 77-202.06, 77-202.25, 77-612, 77-915, 77-1234, 77-1314, 77-1507, 77-1513, 77-1515, 77-1606, 77-1623, 77-1764, 77-1768, 77-1769, 77-2023, 77-2798, 77-27,103, 77-27,109, 77-27,127, 77-27,130, 77-3519, 77-4020, and 84-920, Reissue Revised Statutes of Nebraska, 1943, sections 66-4,144, 77-399, 77-1233.04, 77-1311, 77-1338, 77-1502, 77-1504, 77-1514, 77-1602, 77-27,137, 77-4316, and 84-917, Revised Statutes Supplement, 1992, and sections 13-504, 13-509, 66-4,142, 77-1239.01, 77-1510, 77-1775.01, 77-2106.01, 77-3438, and 79-3819, Revised Statutes

Supplement, 1993; to adopt the Tax Appeals and Equalization Commission Act; to eliminate the State Board of Equalization and Assessment; to change appeal procedures; to transfer powers and duties; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections, and also sections 77-501, 77-502, 77-503, 77-508.01, 77-511, 77-1511, and 77-1608, Reissue Revised Statutes of Nebraska, 1943, sections 77-505, 77-506, 77-510, 77-1607, and 77-1609, Revised Statutes Supplement, 1992, and sections 77-507.01, 77-508, 77-509, and 77-509.01, Revised Statutes Supplement, 1993.

LEGISLATIVE BILL 886. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to vital statistics; to amend sections 71-604, 71-627.02, 71-640.01, 71-640.02, and 71-649, Reissue Revised Statutes of Nebraska, 1943, and sections 71-601, 71-628, and 71-644, Revised Statutes Supplement, 1992; to define terms; to change provisions relating to certification of live births as prescribed; to provide for issuance of a birth certificate after sex reassignment surgery; to provide for electronic filing, issuance, and preservation; to provide for records of amendment of vital records; to change provisions relating to birth certificates of foreign-born adoptees and children born out of wedlock; to change and eliminate provisions relating to surnames on birth certificates as prescribed; to provide penalties; to harmonize provisions; to eliminate a provision relating to the filing medium and to copies; to provide operative dates; and to repeal the original sections, and also section 71-607, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 887. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the State Tort Claims Act; to amend section 81-8,235, Reissue Revised Statutes of Nebraska, 1943; to limit recovery for claims under the State Tort Claims Act; to harmonize a provision; and to repeal the original section.

LEGISLATIVE BILL 888. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend sections 76-1440 and 76-1442, Revised Statutes Supplement, 1992; to prohibit jury trials under the act; and to repeal the original sections.

LEGISLATIVE BILL 889. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to correctional services; to amend section 83-183, Revised Statutes Supplement, 1993; to provide for and change provisions relating to reimbursements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 890. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to punitive damages; to amend sections 25-2130, 29-2812, 37-216.07, 37-1113, 54-1808, 74-711, 77-1719.04, and 84-212, Reissue Revised Statutes of Nebraska, 1943, sections 28-101, 37-206, 53-164.02, and 81-8,239.05, Revised Statutes Supplement, 1992, and section 39-304, Revised Statutes Supplement, 1993; to eliminate provisions providing double or triple penalties and damages and provisions referring to punitive damages; to prohibit oppression under color of office and provide a penalty; to harmonize provisions; and to repeal the original sections, and also section 28-926, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 891. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-247 and 43-274, Reissue Revised Statutes of Nebraska, 1943, and sections 43-245, 43-278, and 43-2,129, Revised Statutes Supplement, 1992; to allow the juvenile court to order family counseling if the family is found in need of assistance; to define a term; to provide procedures; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 892. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to names; to amend section 61-102, Reissue Revised Statutes of Nebraska, 1943; to change a notice requirement for name changes; and to repeal the original section.

LEGISLATIVE BILL 893. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to judges; to amend section 24-708, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to retirement as prescribed; and to repeal the original section.

LEGISLATIVE BILL 894. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Constitution of Nebraska; to establish the Nebraska Constitutional Revision Commission; to provide powers and duties; and to declare an emergency.

LEGISLATIVE BILL 895. Introduced by Fisher, 35.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-114, Revised Statutes Supplement, 1992, and section 60-106, Revised Statutes Supplement, 1993; to provide powers and duties for various county officials; to eliminate notarized signatures on certificates of title; and to repeal the original sections.

LEGISLATIVE BILL 896. Introduced by Fisher, 35; Coordsen, 32; Vrtiska, 1.

A BILL FOR AN ACT relating to the Petroleum Release Remedial Action Act; to amend section 66-1518, Revised Statutes Supplement, 1993; to provide for competitive bidding on contracts under the act as prescribed; to provide for reports; and to repeal the original section.

LEGISLATIVE BILL 897. Introduced by Fisher, 35.

A BILL FOR AN ACT relating to air carriers; to amend section 77-1248, Revised Statues Supplement, 1992; to adopt the Nebraska Regional Air Carrier Support Act; and to repeal the original section.

LEGISLATIVE BILL 898. Introduced by Fisher, 35.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-213 and 25-1931, Reissue Revised Statutes of Nebraska, 1943; to eliminate tolling of statutes of limitations and the time for review proceedings while a person is imprisoned; to change the age of minority for purposes of a tolling statute; and to repeal the original sections.

LEGISLATIVE BILL 899. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1917, Reissue Revised Statutes of Nebraska, 1943, and section 25-1916, Revised Statutes Supplement, 1992; to allow United States Government bonds to be posted and operate as a supersedeas; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 900. Introduced by Day, 19.

A BILL FOR AN ACT relating to drug dispensing; to amend section 71-1,143, Reissue Revised Statutes of Nebraska, 1943, and sections 71-101, 71-1,142, 71-1,147, 71-1,147.10, 71-1,147.13, 71-1,147.33, and 71-1,147.36, Revised Statutes Supplement, 1993; to define and redefine terms; to require certain public health clinics to have drug dispensing permits; to provide for fees and costs; to provide enforcement and disciplinary procedures and penalties; to provide for a formulary; to require consultant pharmacists; to provide conditions for the dispensing of drugs and devices by public health clinics; to provide training and proficiency demonstration requirements; to create an advisory committee; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 276CA. Introduced by Kristensen, 37.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to repeal Article IV, section 28:

IV-28 "Article IV, section 28, of the Constitution of Nebraska is repealed.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to eliminate the equalization powers of the Tax Commissioner, Governor, Secretary of State, State Auditor, and State Treasurer and provisions relating to the Tax Commissioner.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 277CA. Introduced by Kristensen, 37.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article IV, section 28, and add a new section 29 to Article IV:

IV-28 "A Tax Commissioner shall be appointed by the Governor with the advice and consent of the ~~Senate. He~~ Legislature. The Tax Commissioner shall have jurisdiction over the administration of the revenue laws of the state~~, and together with the Governor, Secretary of State, State Auditor and State Treasurer shall have power to review and equalize assessments of property for taxation within the state. He~~ and shall have such other powers and perform such other duties as the Legislature may provide. ~~His~~ The term of office and compensation of the Tax Commissioner shall be as provided by law."

IV-29 "There shall be a Tax Appeals and Equalization Commission. The commission shall, as provided by law, equalize tax assessments between counties and between classes of property, hear appeals from local boards of equalization of individual tax assessments, and hear

appeals of decisions of the Tax Commissioner regarding any tax program. The commission shall perform other duties prescribed by law. The Legislature shall provide for the membership of the commission.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to eliminate the equalization powers of the Tax Commissioner, Governor, Secretary of State, State Auditor, and State Treasurer and to establish and provide powers and duties for the Tax Appeals and Equalization Commission.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 278CA. Introduced by Kristensen, 37.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to add a new section 32 to Article V:

V-32 "The Supreme Court shall give its written opinion upon important questions of law relating to revenue whenever requested by both the Legislature and the Governor.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to require the Supreme Court to give its written opinion upon important questions relating to revenue whenever requested by both the Legislature and the Governor.

For

Against".

Referred to the Reference Committee.

EASE

The Legislature was at ease from 11:50 a.m. until 12:03 p.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 901. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to sales and use tax; to amend sections 77-2701 and 77-2702.07, Revised Statutes Supplement, 1993; to exempt copyrighted materials and satellite transmissions, films, tapes, and other media purchased, leased, licensed, or rented by television or radio stations; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 902. Introduced by Wickersham, 49; Warner, 25.

A BILL FOR AN ACT relating to property taxation; to amend sections 77-1315, 77-1338, 77-1502, 77-1504, 77-1506.01, and 77-1514, Revised Statutes Supplement, 1992, and sections 13-509 and 77-507.01, Revised Statutes Supplement, 1993; to establish agricultural and horticultural land valuation boards and land manual areas; to define terms; to provide powers; to provide appeal procedures; to change provisions relating to valuation of agricultural and horticultural land; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 903. Introduced by Crosby, 29; Ashford, 6; Hudkins, 21; Lindsay, 9.

A BILL FOR AN ACT relating to district court judicial districts; to amend section 24-301.02, Revised Statutes Supplement, 1993; to increase the number of district judges in the third and fourth judicial districts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 904. Introduced by Day, 19; Byars, 30; Dierks, 40; Rasmussen, 20.

A BILL FOR AN ACT relating to the Nebraska Regulation of Health Professions Act; to amend section 71-6221, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to criteria regarding change in scope of practice; and to repeal the original section.

LEGISLATIVE BILL 905. Introduced by Byars, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 1993; to authorize a local income tax for school districts and affiliated districts; to require an election; to provide for collection; to provide duties for the Department of Revenue; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 906. Introduced by Hudkins, 21; Bohlke, 33; Jones, 43; Lindsay, 9; Pedersen, 39; Robak, 22; Schimek, 27; Schmitt, 41.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-919, Reissue Revised Statutes of Nebraska, 1943; to change and eliminate provisions relating to jury tampering; to provide a penalty; and to repeal the original section, and also section 28-921, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 907. Introduced by Hudkins, 21; Bohlke, 33; Crosby, 29; Jones, 43; Lindsay, 9; Pedersen, 39; Robak, 22; Schimek, 27; Schmitt, 41.

A BILL FOR AN ACT relating to false reporting; to amend section 28-907, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to false reporting; to cause persons guilty of false reporting to have liability for costs; and to repeal the original section.

LEGISLATIVE BILL 908. Introduced by Day, 19; Ashford, 6; Avery, 3; Bromm, 23; Crosby, 29; Dierks, 40; Engel, 17; Haberman, 44; Hillman, 48; Hudkins, 21; Janssen, 15; Jones, 43; Lynch, 13; McKenzie, 34; Monen, 4; Pedersen, 39; Preister, 5; Rasmussen, 20; Robak, 22; Schellpeper, 18; Schimek, 27; Schmitt, 41; Vrtiska, 1; Wehrbein, 2; Wickersham, 49; Will, 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-707, Revised Statutes Supplement, 1993; to change provisions and penalties relating to child abuse; to require notice of alibi evidence as prescribed; and to repeal the original section.

LEGISLATIVE BILL 909. Introduced by Wesely, 26; Rasmussen, 20.

A BILL FOR AN ACT relating to child care; to amend sections 48-106, 71-1902, 71-1904, 71-1908, 71-1909, 71-1912, 71-1913.02, 71-1914, 71-1916, and 71-1917, Reissue Revised Statutes of Nebraska, 1943, sections 43-2601, 43-2603 to 43-2611, 43-2615 to 43-2618, 43-2620, 43-2624, 68-1206, 71-901, 71-1903, 71-1910, 71-1913, 71-1913.01, 71-1913.03, 79-3322, 79-3701, 79-3702, and 79-3803, Revised Statutes Supplement, 1992, and sections 71-1901, 71-1907, 71-1911, 71-1915, 79-444, 79-3703, and 81-502, Revised Statutes Supplement, 1993; to restate intent; to redefine terms; to provide an exemption from the Nebraska Workers' Compensation Act; to provide for and change provisions relating to training projects and pilot projects; to eliminate a steering committee; to provide for funding; to provide an exemption from a budgetary limitation as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 910. Introduced by Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3501, 77-3504, 77-3507, 77-3509, 77-3511, 77-3521, 77-3522, and 77-3529, Reissue Revised Statutes of Nebraska, 1943, and sections 77-3508, 77-3510, 77-3513, and 77-3514, Revised Statutes Supplement, 1992; to define and redefine a term; to change a provision relating to homestead exemption forms; to amend the income, valuation, and application filing requirements for an exemption of homestead property from real property taxation; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 911. Introduced by Abboud, 12; Ashford, 6; Dierks, 40; Preister, 5; Schimek, 27; Vrtiska, 1.

A BILL FOR AN ACT relating to the Commission of Industrial Relations; to amend sections 48-801.01, 48-809, 48-816, and 48-818, Reissue Revised Statutes of Nebraska, 1943; to provide for special master proceedings; to provide criteria for comparable employments determinations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 912. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-116, Revised Statutes Supplement, 1992; to change provisions relating to appeals of orders suppressing certain statements; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 279. Introduced by Kristensen, 37.

A resolution to propose the calling of a Constitutional Convention.

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

Section 1. That at the general election in November 1996 there shall be submitted to the electors of the State of Nebraska for approval the question of calling a Constitutional Convention to revise, amend, or change the Constitution of Nebraska, pursuant to Article XVI, section 2, of the Constitution of Nebraska. Any revision, amendment, or change agreed to by the Constitutional Convention shall be submitted to the electors of the State of Nebraska for approval in the manner prescribed in Article XVI, section 2, of the Constitution of Nebraska.

Sec. 2. That the question of calling a Constitutional Convention shall be submitted to the electors with the following ballot language:

FOR the calling of a Constitutional Convention to revise, amend, or change the Constitution of Nebraska and submission to a vote of revisions, amendments, and changes agreed to by the Constitutional Convention.

AGAINST the calling of a Constitutional Convention to revise, amend, or change the Constitution of Nebraska.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 280CA. Introduced by Crosby, 29; Hudkins, 21; Moore, 24; Wehrbein, 2; Witek, 31.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article IV, section 11:

IV-11 "If any elected state office created by this Constitution, except offices provided for in Article V of this Constitution, shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill that office by appointment with the approval of a majority of the Legislature, and the appointee shall hold the office until his or her successor shall be elected and qualified in such manner as may be provided by law.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to require legislative approval of gubernatorial appointments to vacated elected state offices.

For

Against".

Referred to the Reference Committee.

VISITORS

Visitors to the Chamber were Senator Matzke's wife, Lee Ellen, son, Don J., and grandchildren, Alex and Jerod; and Senator Monen's wife, Maureen, son, Jim, and granddaughter, Emily.

ADJOURNMENT

At 12:08 p.m., on a motion by Speaker Withem, the Legislature adjourned until 10:00 a.m., Thursday, January 6, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

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SECOND DAY - JANUARY 6, 1994

LEGISLATIVE JOURNAL

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LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 6, 1994

Pursuant to adjournment, the Legislature met at 10:02 a.m., President Robak presiding.

PRAYER

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

ROLL CALL

The roll was called and all members were present except Messrs. Bernard-Stevens, Beutler, Lindsay, and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the first day was approved.

MOTION - Adopt Temporary Rules

Mr. Will moved that the Rules, as now in our possession, be adopted for today only, Thursday, January 6, 1994.

The motion prevailed.

COMMITTEE ON COMMITTEES REPORT

Mrs. Crosby offered the following Committee on Committees report:

Agriculture
Chairperson: Dierks
1. Chambers
2. Cudaback (VC)
3. Elmer
4. Haberman
5. Hudkins
6. Schellpeper
7. Vrtiska

Appropriations
Chairperson: Moore
1. Ashford
2. Avery

3. Bernard-Stevens (VC)
4. Crosby
5. Engel
6. Hillman
7. Lynch
8. Wehrbein

Banking, Commerce & Insurance
Chairperson: Landis
1. Coordsen (VC)
2. Hall
3. Jones
4. Lindsay
5. Robak
6. Wesely
7. Witek

Business & Labor
Chairperson: Abboud
1. Bromm
2. Chambers
3. Dierks
4. Preister
5. Schimek
6. Vrtiska (VC)

Education
Chairperson: Bohlke
1. Beutler
2. Janssen
3. McKenzie
4. Monen
5. Rasmussen
6. Warner
7. Wickersham

General Affairs
Chairperson: Schellpeper
1. Cudaback
2. Elmer
3. Haberman
4. Hartnett
5. Hudkins
6. Robinson
7. Will (VC)

Government, Military & Veterans Affairs
Chairperson: Schimek
1. Cudaback
2. Haberman (VC)
3. Janssen
4. Pirsch
5. Robinson
6. Schmitt
7. Witek

Health and Human Services
Chairperson: Wesely
1. Byars
2. Day
3. Dierks
4. Matzke
5. Rasmussen (VC)
6. Vrtiska

Judiciary
Chairperson: Lindsay
1. Abboud
2. Chambers (VC)
3. Fisher
4. Hall
5. Hudkins
6. Pedersen
7. Robak

Natural Resources
Chairperson: Beutler
1. Bohlke
2. Bromm
3. Elmer (VC)
4. Jones
5. McKenzie
6. Monen
7. Preister

Nebraska Retirement Systems
Chairperson: Wickersham
1. Crosby
2. Day
3. Fisher
4. Lynch
5. Moore
6. Robak (VC)

Revenue
Chairperson: Warner
1. Coordsen (VC)
2. Hartnett
3. Kristensen
4. Landis
5. Schellpeper
6. Wickersham
7. Will

Transportation
Chairperson: Kristensen
1. Byars
2. Day
3. Fisher (VC)
4. Matzke
5. Pedersen

6. Pirsch
7. Schmitt

Urban Affairs
Chairperson: Hartnett
1. Abboud
2. Bromm
3. Preister
4. Robinson (VC)
5. Schimek
6. Will

Rules
Chairperson: Will
1. Beutler
2. Bohlke
3. Bromm (VC)
4. Withem

Intergovernmental Cooperation
Chairperson: Ashford
1. Bernard-Stevens (VC)
2. Kristensen
3. Lindsay
4. Robak
5. Robinson
6. Wesely

Enrollment and Review:
McKenzie, Chairperson

Executive Board
Chairperson: Hall
1. Haberman (VC)
2. Byars
3. Chambers
4. Dierks
5. Hartnett
6. Kristensen
7. Wehrbein
8. Withem
9. Moore (ex officio)

Building Maintenance
Chairperson: Lynch
1. Coordsen
2. Cudaback
3. Janssen
4. Moore
5. Vrtiska

Education Commission of the States
1. Rasmussen
2. Robinson
3. Withem

Program Evaluation
1. Haberman
2. Hall
3. Hillman
4. Moore
5. Warner

Committee on Committees
Chairperson: Crosby
1st District: Avery, Beutler, Landis
2nd District: Lindsay, Lynch, Withem
3rd District: Coordsen, Moore, Robinson (VC)
4th District: Bernard-Stevens, Bohlke, Hillman

Laid over.

NATURAL RESOURCES DISTRICT REPORTS

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1993 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Central Platte Natural Resources District	
Cook, Wightman, Doyle	30,320.36
Shamberg & Wolf	90.00

H.J. Moors & Associates	4,800.00
South Platte Natural Resources District	
Martin, Mattoon, Matzke & Mattoon	360.00
Tri-Basin Natural Resources District	
Anderson, Klein, Peterson & Swan	3,554.00
Cook, Wightman & Doyle	1,064.00
General Reporting Service	187.50
Upper Big Blue Natural Resources District	
Crosby, Guenzel, Davis, Kessner & Kuester	1,055.31
Adams, Owens & Jones	967.91

REPORTS

Received report from the Department of Insurance of the Annual Profitability Analysis of Property and Casualty Insurance as required by Section 44-4605.

Received annual report from the University of Nebraska.

PROPOSED RULES CHANGES

The Rules Committee offered the following proposed rules changes:

Amend Rule 2, Section 3(e) and (h) as follows:

(e) No one shall be permitted to be seated beside members of the Legislature except members of their immediate families upon permission from the chair. When bills are being read on Final Reading, no one other than members of the Legislature shall be permitted on the floor of the Legislature, except for employees of the Clerk of the Legislature's office or as provided in Section 3(h) of this rule.

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

Amend Rule 3, Section 2(b) to read:

(b) After the selection of the Appropriations Committee pursuant to Rule 3, Section 2(c), and immediately following chairmanship

and ~~the~~ Committee on Committees~~,~~ membership elections, the Committee shall meet and, by a majority vote of all its members, submit ~~shall recommend~~ to the Legislature a preliminary report of ~~for its approval~~ appointments to the remaining standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for by rule or by statute. On the following day the Committee on Committees shall meet and, by a majority vote of all its members, submit to the Legislature a final report for its approval, appointments to the standing and select committees, each with a number of members as hereinafter set forth, unless otherwise provided for by rule or by statute. Once the final report is presented to the Legislature, no amendments shall be considered. If the Legislature, by majority of the elected members, fails to adopt the final report of the Committee on Committees, such report shall be returned to Committee for further action.

Amend Rule 7, Section 5(a) and (b), to read as follows:

Sec. 5. Call of the House. (a) A call of the house may be made by any member in the manner following: "I move for a call of the house." The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under call. If a majority of the senators present and voting, vote in favor of such a motion, then the Legislature shall be deemed to be under call. Each member present shall indicate his or her presence upon the electric roll call system and shall remain in his or her seat during the call. After the Clerk shall note the names of the absentees, proceedings under the call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected.

(b) When a member is recognized to close on a motion and requests a call of the house, the time spent waiting for the members to record their presence shall be counted against the member's closing time.

Amend Rule 2, Section 1, to read as follows:

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

(b) In the absence of a controlling rule to cover a specific situation and in the absence of controlling custom, usage, and/or precedent, the presiding officer may utilize Mason's Manual of Legislative Procedure as authority.

Amend Rule 4, Section 5 as follows:

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

Amend Rule 7, Section 7(c) by adding:

v Any motion to reconsider any action which requires a three-fifths or two-thirds vote shall require that same vote which is required for the main motion.

Amend Rule 6, Section 3(h) as follows:

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

Amend Rule 7, Sec. 3(e), as follows:

(e) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. Once a division is ordered by the presiding officer, each component shall be treated as a separate and distinct proposition, and individual components shall not be amendable. Once a vote ~~or change~~ has occurred on any of the divisible questions, the remaining divided sections may not be withdrawn without a majority of those voting or without unanimous consent. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert. Such call for division shall not be allowed when considering motions under Rule 6, Section 6.

Amend Rule 7, Section 10, to read as follows:

Sec. 10. Cloture. At any stage of consideration the principal introducer of the bill under consideration, a cointroducer with the consent of the principal introducer, or the chairperson of the committee, if the bill is introduced by that committee, may move for a cloture to the presiding officer after eight hours of debate on the bill at that stage of consideration, except that the appropriation bills introduced by the Appropriations Committee shall be subject to a cloture motion after twelve hours of debate at that stage of consideration. The presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. A vote on ~~such~~ the pending amendment or motion shall be taken immediately. If the pending matter is an amendment to an amendment, following a vote on the amendment to the amendment, a vote shall then be taken on the original amendment. Following the vote on such pending matter, a vote on the cloture motion shall be taken. A two-thirds majority of the elected members shall be required for the cloture motion to be successful. A motion for cloture shall be in order except while a member is speaking, and a motion for cloture is not debatable. If the motion for cloture is successful, a vote on the advancement of the bill shall be taken, without debate, immediately following the vote on cloture.

Amend Rule 7, Section 3, subsection (a) to read as follows:

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

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

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

a. To recess
b. To adjourn
c. For cloture
d. To reconsider
e. For the previous question
f. To postpone to a time certain
g. To recommit to a committee
h. To amend
i. To postpone indefinitely

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

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

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

Amend Rule 7, Section 7, subsection (b) to read as follows:

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

Amend Rule 7, Section 10 to read as follows:

At any stage of consideration the principal introducer of the bill under consideration, a cointroducer with the consent of the principal introducer, or the chairperson of the committee, if the bill is introduced by that committee, may move for a cloture to the presiding officer after eight hours of debate on the bill at that stage of consideration, except that the appropriation bills introduced by the Appropriations Committee shall be subject to a cloture motion after twelve hours of debate at that stage of consideration. The presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. A vote on such pending amendment or motion shall be taken immediately. Following the vote on such pending matter, a vote on the cloture motion shall be taken. A two-thirds majority of the elected members shall be required for the cloture motion to be successful. A motion for cloture shall be in order except while a member is speaking, and a motion for cloture is not debatable. If the motion for cloture is successful, a vote on the advancement of the bill shall be taken, without debate, immediately following the vote on cloture.

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

An unsuccessful motion for cloture shall result in the debate on the bill ending for the day. When the Speaker chooses to resume debate on the

bill, successive motions for cloture shall not be in order until two additional hours of debate on the bill has occurred.

Amend the Rules by adding the following new rule.

ELECTION CONTESTS AND QUALIFICATIONS CHALLENGES

ELECTION CONTESTS AND QUALIFICATIONS CHALLENGES

(a) An election contest shall place in issue only the validity of the results of an election of a member to the Unicameral Legislature. An election contest shall only determine which candidate was properly elected to the Legislature and shall be seated.

(b) A qualifications challenge shall place in issue only the qualifications of a person elected as a member of the Legislature under the Constitution. A qualifications challenge shall only determine whether a person elected to the Legislature is qualified to hold or retain the seat.

(c) Election contests and qualifications challenges shall be brought and conducted as provided in these rules.

(d) Each election contest and qualifications challenge filed with the Clerk shall be referred by the Clerk to the Reference Committee, who in turn shall refer the matter to a specially created committee to consider such contest or challenge. The committee shall consist of an odd number of members and shall have a minimum of five members. The chairperson of such committee shall be appointed by the Executive Board.

(e) The special committee may adopt rules to govern election contests and qualifications challenges, provided that such committee rules must be consistent with these rules, must be filed with the Clerk within twenty-four hours of adoption, and must be made available to all parties and to the public.

INITIATING ELECTION CONTESTS

(a) Election contests may be brought only by an unsuccessful candidate.

(b) Election contests may be brought only by the procedures and within the time limits established by the Nebraska statutes. Notice of intention to contest shall be served on the person certified as elected to the Legislature from the representative district within the time limits established by law.

(c) Within forty days following the general election contested, each contestant shall file with the Clerk of the Legislature a petition of election contest and shall serve such petition on the purported winner. A petition of election contest shall allege the contestant's qualifications to bring the contest and to serve as a member of the Legislature, that he/she alleges that a mistake, violation of election laws, or fraud was

committed in specified precincts in the counting, return or canvass of the votes or that some other specified irregularity occurred in the conduct of the election in specified precincts. A petition of election contest shall contain a prayer specifying the relief requested and the precincts in which a recount or other inquiry is desired. A petition of election contest shall be verified by affidavit swearing to the belief that the allegations are true, and shall be accompanied by proof of service on all respondents.

(d) A petition of contest may not be amended to cure a defect under the statutory requirements. A petition of election contest, if filed and served subsequent to the notice of intention to contest, may not raise points not expressed in the notice.

INITIATING QUALIFICATIONS CHALLENGES

(a) Qualifications challenges may be brought only by an unsuccessful candidate.

(b) Qualifications challenges must be brought within forty days following the general election contested.

(c) A qualifications challenge shall be brought by filing a petition of qualifications challenge with the Clerk, and by serving a copy of the petition on the purported winner. The petition must be accompanied by proof of personal service upon the respondent member and must be verified by affidavit swearing to the truth of the allegations or based upon information and belief. A petition of qualifications challenge shall set forth the grounds on which the respondent member is alleged to be constitutionally unqualified, the qualifications of the petitioner to bring the challenge, and a prayer for relief.

CONTESTS AND CHALLENGES - DUE PROCESS

(a) Election contests and qualifications challenges shall be heard and determined as expeditiously as possible under adversary procedures wherein each party to the proceedings has a reasonable opportunity to present his claim, any defense and arguments, and to respond to those of his opponents. All parties may be represented by counsel.

(b) Election contests and qualifications challenges shall be heard and determined in accordance with the applicable provisions of the Nebraska statutes, the Nebraska Constitution, and the United States Constitution. Judicial decisions which bear on a point of law in a contest or challenge shall be admissible in the arguments of the parties and the deliberations and decisions of the committee. Judicial decisions applicable to a point of law or to a fact situation to the committee shall be given weight as precedent.

(c) The committee shall give notice of all rules, timetables or deadlines adopted by the committee. Notice under this subsection shall be in writing and shall be given either personally with receipt, or by certified mail (return receipt requested) addressed to the party at his or

her place of residence and to his or her attorney of record at his or her office if so requested by the party.

COMMITTEE PROCEEDINGS AND POWERS IN CONTESTS AND CHALLENGES

(a) All proceedings of the committee concerning election contests and qualifications challenges may be recorded and transcribed. Copies of the transcript shall be made available to the members of the committee and to the parties.

(b) The committee may dismiss an election contest or qualifications challenge, or may determine to proceed to a recount or other inquiry. The committee may limit the issues to be determined in a contest or challenge, except that where a recount is conducted in an election contest, any precinct timely requested by any party to be recounted shall be recounted by the committee.

(c) In conducting inquiries, investigations and recounts in election contests and qualifications challenges, the committee shall have the power to compel the attendance of witnesses and the production of books, papers, ballots, documents and records, by subpoena signed by the chairperson of the committee as provided by Rule 3, Section 20. In conducting proceedings in election contests and qualifications challenges, the committee may utilize the legislative powers to gather information as provided by Rule 3, Section 20.

(d) The committee may allow any person authorized to take depositions of any necessary witnesses, as may be permitted by law. In recounting the ballots in any election contest, however, no person other than a member of the committee or officer of the Legislature shall handle any ballots, tally sheets, or other election materials without the consent of the committee. The responsibility for the actual recounting of ballots may not be delegated.

(e) The committee shall maintain a record of proceedings in every election contest and qualifications challenge. Such record shall include all notices and pleadings, roll call votes, all reports and dissents, and all documents which were admitted into the proceeding. The committee shall file the record with the Clerk of the Legislature upon the adoption of its final report. The record shall then be available for examination in the Clerk's office.

(f) With the approval of the Executive Board, the committee may employ staff assistants to include clerks, court reporters, professional staff and other personnel as deemed necessary.

ADOPTION OF REPORTS IN CONTESTS AND CHALLENGES

(a) All final decisions of the committee regarding an election contest or qualification challenge shall be reported in writing to the Legislature, and approved by a majority of the members of the committee. Reports shall include a specific recommendation to the Legislature as to the disposition of the contest or challenge.

(b) Any member of the committee may file a dissent from a report of the committee, a minority report, or a special concurrence with the majority report or with any minority report.

(c) Reports of the committee shall be filed with the Clerk of the Legislature, printed and placed on the members' desks, along with any dissents, minority reports or special concurrences. The report shall be listed on the agenda under the heading "Report of Election Contest" or "Report of Qualifications Challenge". The report as filed with the Clerk, shall not be considered for two legislative days prior to any consideration by the Legislature.

(d) The Legislature shall adopt the majority report or a minority report in an election contest or qualifications challenge or shall refuse to adopt any report filed and re-refer the contest or challenge to the committee for further proceedings or for a modified report. Reports as filed by the committee are non-amendable. If the Legislature fails to adopt a report, the matter shall automatically be rereferred to committee for further consideration.

(e) Each party to a contest or challenge may file with the Clerk of the Legislature within 15 days of the filing of the final report a detailed statement of attorney's fees and expenses incurred by said party in connection with the case. The committee shall make recommendations to the Legislature concerning reimbursement of attorney's fees and the expenses of the parties. Such recommendation shall not exceed a sum that is reasonable, just and proper.

Amend the Rules by adding the following new rule.

DISCIPLINARY PROCEEDINGS

PURPOSE

The purpose of this rule is to establish procedures to be followed by the Legislature in the event that there is evidence that a member of the Legislature may have committed a felony. This rule shall only be applied if there is clear and convincing evidence that a member of the Legislature has violated felony provisions of Nebraska law.

INITIATING DISCIPLINARY PROCEEDINGS

(a) Disciplinary proceedings may be commenced by the filing of a petition for a special investigating committee with the Speaker. Such a petition must be signed by at least five members of the Legislature, and shall contain suggested charges which, if true, may subject the member named in the petition to disciplinary action by the Legislature. The Speaker shall refer the petition to the Reference Committee, who in turn shall refer the matter to a special Investigating Committee. Unless a resolution initiating disciplinary proceedings is introduced pursuant to this rule, the contents of a petition for a special investigating committee shall be confidential except as to the member

named, the members signing it, the Speaker, and the members of a special investigating committee.

(b) A resolution to initiate disciplinary proceedings may be filed and shall be substantially in the following form:

"BE IT RESOLVED BY THE UNICAMERAL LEGISLATURE OF THE STATE OF NEBRASKA, that a Special Investigating Committee be appointed to investigate allegations concerning the conduct of Senator _____, which, if true, may subject that member to disciplinary action by the Legislature."

A resolution to initiate disciplinary proceedings may be introduced only as permitted under this rule. It shall be improper to attempt to initiate disciplinary proceedings in any manner not authorized by this rule.

(c) A resolution to initiate disciplinary proceedings shall be debatable.

(d) A resolution initiating disciplinary proceedings may be adopted only by an affirmative vote of a majority of the members.

PRELIMINARY INVESTIGATION

(a) Pursuant to a petition or upon the adoption of a resolution initiating disciplinary proceedings, as provided, a special investigating committee consisting of seven members shall be appointed by the Reference Committee. The Reference Committee shall appoint the chairperson of the special investigating committee from among the seven members thereof. Sponsors of the initiating resolution or petition may not be appointed to the special investigating committee.

(b) The special investigating committee shall conduct a thorough investigation of all allegations and charges of impropriety concerning the member named in the initiating resolution or petition which are brought to its attention to determine if reasonable grounds exist to bring charges against such member for formal disciplinary proceedings by the Legislature. The special investigating committee shall meet with the chief sponsor of the initiating resolution or petition at its initial meeting.

At the initial meeting, the chief sponsor of the initiating resolution or petition shall submit to the special investigating committee a written list of suggested charges. Such list shall define the scope of the inquiry or investigation pursuant to the initiating resolution or petition. If the chief sponsor of the initiating resolution or petition fails to submit such a list, the special committee shall report a resolution of dismissal.

The chief sponsor of the initiating resolution or petition shall also submit to the special investigating committee all information he/she may have relevant to the charges and allegations.

(c) The special investigating committee shall conduct all of its proceedings in closed session, and shall maintain strict confidence as to all of its proceedings, and all witnesses, testimony, information, and exhibits that may come before it. No transcript or record of proceedings shall be taken.

(d) Except for its initial meeting, the chairperson shall give notice of all meetings to the member named in and the chief sponsor of the initiating resolution or petition. The member who is the subject of the initiating resolution or petition shall have the right to counsel during proceedings of the special investigating committee.

REPORT OF SPECIAL INVESTIGATING COMMITTEE

(a) The special investigating committee shall report to the Legislature in writing. All reports shall be signed by the members supporting the report.

(b) If a majority of the membership of the special committee determines to prefer charges, it shall file with the Clerk of the Legislature a formal statement of charges and specifications. The statement of charges shall constitute the report of the special committee but the special committee in its discretion may file a supplementary report stating its reasons for not bringing any other charges which may have been suggested to it.

(c) If the special committee determines not to prefer charges, it shall file with the Clerk a resolution exonerating the member named in the initiating resolution or petition together with a report stating its reasons for not preferring charges.

(d) If the special committee cannot by majority vote of its membership determine whether or not to prefer charges, the committee shall file with the Clerk a resolution of dismissal and a report stating the affirmative reasons for not preferring charges. That report shall be signed by all members of the special investigating committee, irrespective of their original vote in the committee proceedings on whether to prefer charges.

SELECT COMMITTEE ON DISCIPLINE

(a) Whenever charges are preferred against any member of the Legislature, the Executive Board shall appoint a committee, to be known as a select committee on discipline, to hear and determine such charges. The select committee shall consist of seven members of the Legislature. The Executive Board shall appoint a chairperson of the select committee from among the seven members. No member who served on the special investigating committee nor any sponsor of the initiating resolution or petition may be appointed to the select committee.

(b) All appointments to a select committee on discipline shall be completed and the select committee shall convene within ten days of the filing of charges for which the committee is appointed.

HEARINGS ON DISCIPLINARY CHARGES

(a) Proceedings before the select committee on discipline shall be adversarial in form, with the Chair of the Investigating Committee presenting the case for disciplinary action.

(b) Stipulations of fact shall be encouraged by the select committee.

(c) With the approval of the Executive Board, the committee may employ staff assistants to include clerks, court reporters, professional staff and other personnel as deemed necessary.

REPORT OF SELECT COMMITTEE ON DISCIPLINE

(a) The committee shall vote on each specification and charge, provided that a vote of exoneration on a charge shall be a vote as to all specifications under that charge. All final votes on the merits of a charge or specification shall be by record vote.

(b) A finding of fault or exoneration on any specification or charge shall require an affirmative vote of a majority of the members appointed to the select committee.

(c) The committee shall file a report of its findings on each specification and charge and a recommendation as to penalty with the Clerk of the Legislature. The report shall state the reasons for each conclusion and recommendation. If the committee finds the respondent member exonerated regarding any charge, it shall report a resolution of exoneration together with its report. If the select committee finds the respondent member at fault regarding any charge, it shall report a resolution embodying its findings and recommended penalty. There shall be a separate report on each charge.

(d) If a select committee reports a finding of fault regarding any charge, any member of the select committee may file a minority report with the Clerk either dissenting from a finding, reason, or recommendation in the majority report or stating a concurrence therewith on different grounds. A dissenting report may include a resolution of exoneration as to any charge or specifications.

(e) Whenever a select committee has found a member at fault regarding a charge, the committee shall adopt a recommendation for disciplinary action. The committee may recommend a reprimand, a censure, expulsion from the Legislature, or that no penalty be invoked. The recommendation on disciplinary action shall require an affirmative vote of the majority of the membership of the select committee on discipline.

LEGISLATIVE ACTION ON DISCIPLINARY REPORTS

(a) The report of a select committee, together with any dissenting or concurring reports, and any accompanying resolutions, shall be printed and placed on the members' desks. The report shall be placed on the agenda under the heading "Report of Select Committee on Discipline". The report as filed with the Clerk shall not be considered for two legislative days prior to any consideration by the Legislature.

(b) If the report of the select committee exonerates the respondent member, the Legislature shall take up the resolution or re-refer the case to the committee for further proceedings.

(c) If the select committee reports a finding of fault as to any charge, the Legislature shall take up the resolution for disciplinary action together with any minority resolutions. The Legislature may amend a resolution for disciplinary action to increase or decrease the recommended penalty.

(d) The Legislature shall take action by a record vote on each such resolution. Adoption of a resolution finding the respondent member at fault regarding charges and specifications shall dispose of any minority resolutions of exoneration on such charges and specifications. If the adoption of exoneration resolutions disposes of all the charges and specifications in a majority resolution for disciplinary action, the majority resolution shall be deemed defeated.

(e) Following record votes on all majority and minority resolutions arising out of a select committee finding of fault on a charge or specification, if there remains any such charge or specification on which the Legislature has neither exonerated the member or adopted a finding of fault, then any member may introduce and move a resolution of dismissal on such charge or specification.

(f) A resolution finding a member at fault regarding a charge may be adopted only upon an affirmative vote of a majority of the members, provided that a resolution the effect of which is to expel a member may be adopted only by an affirmative vote of two-thirds of the members.

Amend Rule 7 by adding a new section.

Section 11. If a series of amendments and/or motions is offered to a bill or resolution and it becomes obvious the amendments and/or motions are being used as a basis of obstruction, a motion may be made that specific amendments and/or motions be declared obstructive. On said motion no member may speak more than once unless by leave of the Legislature. A two-thirds majority of the elected members shall be required for the motion on obstruction to be successful. If the motion prevails, the amendments and/or motions shall be declared out of order. No motion for obstruction shall be amendable nor shall any division of the question be allowed.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 913. Introduced by Abboud, 12; Bromm, 23; Dierks, 40; Hartnett, 45; Preister, 5; Robinson, 16; Schimek, 27.

A BILL FOR AN ACT relating to employment security; to amend section 48-628, Revised Statutes Supplement, 1992; to redefine

educational service agency for purposes of disqualification for benefits; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 914. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to school lands and funds; to amend section 72-234, Reissue Revised Statutes of Nebraska, 1943, and section 72-232, Revised Statutes Supplement, 1993; to authorize a reduction in rent on certain school lands; to provide powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 915. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to public power districts; to amend section 70-625, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to satellite television sales, leases, and services; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 916. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to public power districts; to amend section 77-2353.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to authorized investments; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 917. Introduced by Elmer, 38.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-106, 77-2703, and 77-2708, Revised Statutes Supplement, 1993; to change provisions relating to titling; to change a penalty for late payment of sales tax; to change a sales tax collection fee; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 918. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-311.07, Reissue Revised Statutes of Nebraska, 1943, and section 60-311.05, Revised Statutes Supplement, 1992; to require proof of an amateur radio station license issued by the Federal Communications Commission upon renewal of amateur radio station license plates; to eliminate provisions regarding application for such plates; and to repeal the original sections.

LEGISLATIVE BILL 919. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to titles to motor vehicles; to amend sections 60-117 and 60-2603, Reissue Revised Statutes of Nebraska, 1943, sections 60-114 and 60-131, Revised Statutes Supplement, 1992,

and sections 60-106 and 60-302, Revised Statutes Supplement, 1993; to require the motor vehicle designation as prescribed to appear on the certificate of title and application; to change the requirements for applications and certificates of title; to provide penalties; to harmonize provisions; and to repeal the original sections, and also section 60-129, Reissue Revised Statutes of Nebraska, 1943, and section 60-130, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 920. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to liens on personal property; to amend section 52-601.01, Reissue Revised Statutes of Nebraska, 1943; to change the period of time required before disposing of personal property; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 281. Introduced by Robak, 22.

WHEREAS, that the Columbus Scotus Central Catholic High School won the Class B football championship; and

WHEREAS, the title was won by topping Hastings Adams Central High School, 42 to 24; and

WHEREAS, the championship crowned a 13-0 campaign.

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

1. That the Legislature congratulates the Scotus Central Catholic football team and their coach, Jim Puetz.

2. That a copy of this resolution be sent to Scotus Central Catholic High School for its football team and coach.

Laid over.

LEGISLATIVE RESOLUTION 282. Introduced by Kristensen, 37.

WHEREAS, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenue, so that the public debt now exceeds hundreds of billions of dollars; and

WHEREAS, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenue; and

WHEREAS, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not in the budget or subject to the legal public debt limit; and

WHEREAS, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be balanced; and

WHEREAS, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is a great threat to our nation, the Legislature firmly believes that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

WHEREAS, Nebraska is one of forty-nine states having legal authority which requires that total state expenditures be limited to total state revenue; and

WHEREAS, Nebraska's balanced budget requirement is contained in our constitution; and

WHEREAS, under Article V of the Constitution of the United States, amendments to the federal Constitution may be proposed by the Congress of the United States whenever two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states, Congress shall call a constitutional convention for the purpose of proposing amendments; and

WHEREAS, the Legislature believes that action at this time is vital.

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

1. That the Legislature proposes to the Congress of the United States that procedures be instituted in Congress to add a new article to the Constitution of the United States, and that the State of Nebraska requests Congress to prepare and submit to the several states an amendment to the federal Constitution requiring in the absence of a national emergency that the total of all federal appropriations made by Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.

2. That, alternatively, the Legislature makes application and request that Congress call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the federal Constitution requiring in the absence of a national emergency that the total of all federal appropriations made by Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.

3. That the Legislature also proposes that the legislatures of each of the several states comprising the United States apply to Congress requesting the enactment of an appropriate amendment to the federal Constitution or requiring Congress to call a constitutional convention for proposing such an amendment to the federal Constitution.

4. That the Clerk of the Legislature transmit a copy of this resolution to the President pro tempore of the Senate of the United States, the Speaker of the House of Representatives of the United States, each member of the Nebraska Congressional delegation, the Secretaries of State and the legislatures of each of the several states, and the Secretary of State of the State of Nebraska.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 283. Introduced by Kristensen, 37.

WHEREAS, state appropriations for federally mandated services and activities increase annually and the Legislature needs to be apprised of any forthcoming federal activities that require state funds; and

WHEREAS, the state congressional delegation shall personally report to and invite dialog from the Legislature regarding any federal legislation that reduces federal funding for any existing federally mandated activity or service; and

WHEREAS, such a report shall address any federal law that requires a new activity or service of the state that is not funded by federal appropriation.

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

1. That Nebraska's congressional delegation be invited to report annually to the Legislature on federal initiatives requiring a legislative response.

2. That copies of this resolution be sent to the Speaker of the United States House of Representatives, the President pro tempore of the United States Senate, and each Nebraska member of the United States House of Representatives and the United States Senate.

Laid over.

LEGISLATIVE RESOLUTION 284. Introduced by Robinson, 16.

WHEREAS, Lester Fuhrman has bequeathed property located in Cuming County, Nebraska, to the Game and Parks Commission; and

WHEREAS, the Game and Parks Commission has the general authority to acquire real estate with the consent of the Governor by gift; and

WHEREAS, in the interest of promoting outdoor opportunities for Nebraskans, the Legislature wishes to grant approval for the Game and Parks Commission to obtain title to all real estate as bequeathed by Mr. Fuhrman.

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

1. That the Legislature approves the gift from the Lester Fuhrman estate to the Game and Parks Commission of all of the real estate described as:

The southeast quarter of the northwest quarter and the northeast quarter of the southwest quarter and Tax Lots 10, 11, and 12, all the foregoing being in section 36, in

township 22 north, range 6 and being 182.97 acres, more or less, in Cuming County, Nebraska; and also

Tax Lot 17, being part of the south one-half of the southeast quarter in section 36, township 22 north, range 6 and being 36.80 acres, more or less, in Cuming County, Nebraska. Total acres in the tract equals 219.77, more or less.

Laid over.

EASE

The Legislature was at ease from 10:23 a.m. until 10:49 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 921. Introduced by Day, 19.

A BILL FOR AN ACT relating to wrongful death actions; to amend section 30-809, Reissue Revised Statutes of Nebraska, 1943, and section 30-810, Revised Statutes Supplement, 1992; to allow for a wrongful death action upon the death of a viable fetus as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 922. Introduced by Schmitt, 41; Bohlke, 33; Elmer, 38; Jones, 43; Lynch, 13; Schimek, 27; Witek, 31.

A BILL FOR AN ACT relating to counties; to amend section 23-1114, Reissue Revised Statutes of Nebraska, 1943; to change salary provisions for full-time veterans service officers of the county; and to repeal the original section.

LEGISLATIVE BILL 923. Introduced by Wickersham, 49; Bromm, 23; Jones, 43; Matzke, 47.

A BILL FOR AN ACT relating to school lands and funds; to amend sections 72-257, 72-257.01, 72-259, 72-1237.01, 85-123, and 85-317, Reissue Revised Statutes of Nebraska, 1943; to provide for the sale of certain school lands and for reinvestment of such proceeds as prescribed; to change and eliminate provisions relating to the investment of certain funds; to harmonize provisions; and to repeal the original sections, and also section 72-202, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 924. Introduced by Wesely, 26; Abboud, 12; Beutler, 28; Byars, 30; Crosby, 29; Hall, 7; Landis, 46; Lynch, 13; Pedersen, 39; Preister, 5; Rasmussen, 20; Schimek, 27; Will, 8.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3507 and 77-3509, Reissue Revised Statutes of Nebraska, 1943, and sections 77-3508, 77-3512, 77-3513, 77-3514, and 77-3516, Revised Statutes Supplement, 1992; to change the amount of household income and actual value of a homestead for an exemption; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 925. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to the Jail Standards Board; to amend section 83-4,124, Revised Statutes Supplement, 1992; to add a board member; and to repeal the original section.

LEGISLATIVE BILL 926. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend section 60-4,124, Revised Statutes Supplement, 1992; to change provisions relating to school permits; and to repeal the original section.

LEGISLATIVE BILL 927. Introduced by Ashford, 6; Chambers, 11; Crosby, 29; Day, 19; Rasmussen, 20; Schimek, 27.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1201 and 28-1203, Reissue Revised Statutes of Nebraska, 1943; to define a term; to prohibit the transportation or possession of assault firearms as prescribed; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 928. Introduced by Wickersham, 49; Hillman, 48.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1992, and sections 28-109 and 29-119, Revised Statutes Supplement, 1993; to define a term; to provide for the crimes of deadly assault in the first and second degrees and motor vehicle deadly assault; to provide penalties; to provide for plea agreements for deadly assault; and to repeal the original sections.

LEGISLATIVE BILL 929. Introduced by Rasmussen, 20.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-696, Revised Statutes Supplement, 1993; to require certain actions by the driver of a vehicle which collides with an unattended vehicle; and to repeal the original section.

LEGISLATIVE BILL 930. Introduced by Rasmussen, 20; Hall, 7; Will, 8.

A BILL FOR AN ACT relating to the school enrollment option program; to amend sections 79-3401 and 79-3407, Revised Statutes Supplement, 1992; to state intent; to change provisions relating to school districts which have desegregation plans; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 931. Introduced by Withem, 14; Kristensen, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.09, Revised Statutes Supplement, 1993; to change a sales and use tax exemption for medicine and medical equipment; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 932. Introduced by Withem, 14; Hartnett, 45.

A BILL FOR AN ACT relating to public libraries; to amend section 51-211, Revised Statutes Supplement, 1992; to provide a limit on fees; and to repeal the original section.

LEGISLATIVE BILL 933. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Chambers, 11; Elmer, 38; Haberman, 44; Hudkins, 21; Schellpeper, 18; Vrtiska, 1.

A BILL FOR AN ACT relating to agriculture; to amend sections 89-186 and 89-188, Revised Statutes Supplement, 1993; to change provisions relating to certain handbooks adopted by reference; and to repeal the original sections.

LEGISLATIVE BILL 934. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Chambers, 11; Elmer, 38; Haberman, 44; Hudkins, 21; Schellpeper, 18; Vrtiska, 1.

A BILL FOR AN ACT relating to the Farm Mediation Act; to amend section 2-4816, Reissue Revised Statutes of Nebraska, 1943; to extend the termination date of the act; and to repeal the original section.

LEGISLATIVE BILL 935. Introduced by Crosby, 29; Preister, 5.

A BILL FOR AN ACT relating to animal pests; to eliminate provisions relating to the presence and extermination of prairie dogs; and to repeal sections 2-1062 and 2-1063, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 936. Introduced by Crosby, 29; Beutler, 28; Hudkins, 21.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-611, Revised Statutes Supplement, 1992; to change the offense of issuing a bad check; and to repeal the original section.

LEGISLATIVE BILL 937. Introduced by Warner, 25.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend sections 77-4105 and 77-4106, Reissue Revised Statutes of Nebraska, 1943; to terminate a credit; to provide for a refund of income tax as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 938. Introduced by Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 1993; to specify the effect of certain court decisions; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 939. Introduced by Bromm, 23; Hudkins, 21; Janssen, 15.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2701, Revised Statutes Supplement, 1993; to exempt purchases by public museums; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 940. Introduced by Bromm, 23; Janssen, 15; Jones, 43; McKenzie, 34; Vrtiska, 1.

A BILL FOR AN ACT relating to ground water management plans; to amend section 46-673.03, Revised Statutes Supplement, 1993; to limit application of the Nongame and Endangered Species Conservation Act as prescribed; and to repeal the original section.

LEGISLATIVE BILL 941. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to energy; to amend section 66-1004, Reissue Revised Statutes of Nebraska, 1943, and section 66-1009, Revised Statutes Supplement, 1993; to change provisions relating to utility loans; to redefine a term; to change a loan limit; and to repeal the original sections.

LEGISLATIVE BILL 942. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1110, Revised Statutes Supplement, 1993; to change provisions relating to securities exempt from registration; and to repeal the original section.

LEGISLATIVE BILL 943. Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Supplement, 1993; to provide for disclosure of records relating to alcohol or drugs in body fluids; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 285CA. Introduced by Jones, 43; Coordsen, 32; Dierks, 40; Schellpeper, 18; Schmitt, 41.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article VIII, sections 1 and 11, and add a new section 14 to Article VIII:

VIII-1 "The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 4, of this Constitution or any other provision of this Constitution to the contrary: (1) Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution; (2) tangible personal property, as defined by the Legislature, not exempted by this Constitution or by legislation, shall all be taxed at depreciated cost using the same depreciation method with reasonable class lives, as determined by the Legislature, or shall all be taxed by valuation uniformly and proportionately; (3) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the counties, townships, cities,

villages, ~~school districts,~~ and other governmental subdivisions of such county in the same proportion that the levy of each bears to the total levy of the county on taxable property; (4) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land; (5) the Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses; (6) the Legislature may prescribe standards and methods for the determination of the value of real property at uniform and proportionate values; (7) in furtherance of the purposes for which such a law of the United States has been adopted, whenever there exists a law of the United States which is intended to protect a specifically designated type, use, user, or owner of property or franchise from discriminatory state or local taxation, such property or franchise shall constitute a separate class of property or franchise under the laws of the State of Nebraska, and such property or franchise may not be taken into consideration in determining whether taxes are levied by valuation uniformly or proportionately upon any property or franchise, and the Legislature may enact laws which statutorily recognize such class and which tax or exempt from taxation such class of property or franchise in such manner as it determines; and (8) the Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year. Each actual property tax rate levied for a governmental subdivision shall be the same for all classes of taxed property and franchises. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature. <u>The changes made to this section by this constitutional amendment shall apply commencing January 1, 1997.</u>"

VIII-11 "Every public corporation and political subdivision organized primarily to provide electricity or irrigation and electricity shall annually make the same payments in lieu of taxes as it made in 1957, which payments shall be allocated in the same proportion to the same public bodies or their successors as they were in 1957.

The legislature may require each such public corporation to pay to the treasurer of any county in which may be located any incorporated city or village, within the limits of which such public corporation sells electricity at retail, a sum equivalent to five ~~(5) per cent~~ percent of the annual gross revenue of such public corporation derived from retail sales of electricity within such city or village, less an amount equivalent to the 1957 payments in lieu of taxes made by such public corporation with respect to property or operations in any such city or village. The payments in lieu of tax as made in 1957, together with any payments made as authorized in this section shall be in lieu of all other taxes, payments in lieu of taxes, franchise payments, and occupation and excise taxes, but shall not be in lieu of motor vehicle licenses and wheel taxes, permit fees, gasoline tax, and other such excise taxes or general sales taxes levied against the public generally.

So much of such five ~~(5) per cent~~ percent as is in excess of an amount equivalent to the amount paid by such public corporation in lieu of taxes in 1957 shall be distributed in each year to the city or village~~, the school districts located in such city or village,~~ and to the county in which such city or village is located~~, and the State of Nebraska,~~ in the proportion that their respective property tax ~~mill~~ levies in each such year bear to the total of such ~~mill~~ levies. The changes made to this section by this constitutional amendment shall apply commencing January 1, 1997."

VIII-14 "Commencing January 1, 1997, school districts and educational service units shall be prohibited from levying a property tax.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to prohibit school districts and educational service units from levying a property tax commencing January 1, 1997, and to eliminate references to receipt of motor vehicle tax revenue and in-lieu-of-tax payments by school districts.

For

Against".

Referred to the Reference Committee.

EASE

The Legislature was at ease from 10:54 a.m. until 11:05 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 944. Introduced by Government, Military and Veterans Affairs Committee: Schimek, 27, Chairperson; Cudaback, 36;

Janssen, 15; Pirsch, 10; Robinson, 16; Schmitt, 41; Witek, 31; and Beutler, 28; Bromm, 23; Crosby, 29; Preister, 5.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 49-1401, 49-1483, and 49-1490, Revised Statutes Supplement, 1992, and section 49-1469, Revised Statutes Supplement, 1993; to prohibit contributions to members of and candidates for the Legislature during legislative sessions; to require detailed statements of certain expenditures for legislators; to change provisions relating to gifts to officials and staff in the executive and legislative branches; and to repeal the original sections.

LEGISLATIVE BILL 945. Introduced by Abboud, 12; Ashford, 6; Hartnett, 45; Kristensen, 37; Pirsch, 10; Rasmussen, 20; Will, 8; Witek, 31.

A BILL FOR AN ACT relating to income taxation; to amend section 77-2734.14, Reissue Revised Statutes of Nebraska, 1943; to change the sales factor used for unitary businesses; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 946. Introduced by Vrtiska, 1; Abboud, 12; Bohlke, 33; Bromm, 23; Byars, 30; Coordsen, 32; Cudaback, 36; Day, 19; Dierks, 40; Elmer, 38; Hillman, 48; Janssen, 15; Jones, 43; Lynch, 13; McKenzie, 34; Moore, 24; Pirsch, 10; Preister, 5; Robak, 22; Robinson, 16; Schellpeper, 18; Schmitt, 41.

A BILL FOR AN ACT relating to children; to create and provide duties for the Child Protection Study Commission; to provide a termination date; and to declare an emergency.

LEGISLATIVE BILL 947. Introduced by Wesely, 26; Schimek, 27; Warner, 25.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1433, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 286. Introduced by Wesely, 26; Abboud, 12; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Beutler, 28; Bohlke, 33; Bromm, 23; Byars, 30; Coordsen, 32; Crosby, 29; Cudaback, 36; Day, 19; Dierks, 40; Elmer, 38; Engel, 17; Fisher, 35; Haberman, 44; Hall, 7; Hartnett, 45; Hillman, 48; Hudkins, 21; Janssen, 15; Jones, 43; Kristensen, 37; Landis, 46; Lindsay, 9; Lynch, 13; Matzke, 47; McKenzie, 34; Monen, 4; Moore, 24; Pedersen, 39; Pirsch, 10; Preister, 5; Rasmussen, 20; Robak, 22; Robinson, 16;

Schellpeper, 18; Schimek, 27; Schmitt, 41; Vrtiska, 1; Warner, 25; Wehrbein, 2; Wickersham, 49; Will, 8; Witek, 31; Withem, 14.

WHEREAS, in any endeavor or activity the goal should be the pursuit of excellence; and

WHEREAS, the 1993 University of Nebraska-Lincoln football team and coaches exemplified the noble concepts of teamwork, dedication, leadership, spirit, and a commitment to excellence; and

WHEREAS, the 1993 University of Nebraska-Lincoln football team and coaches achieved excellence with an undefeated regular season, the Big Eight Conference Championship, a third straight appearance in the Orange Bowl, a final season ranking of third in the nation, and numerous individual and team honors; and

WHEREAS, the academic achievements of fifteen members of the 1993 University of Nebraska-Lincoln football team have been recognized by all-conference or All-American honors; and

WHEREAS, this was the University of Nebraska-Lincoln's thirty-second consecutive winning football season, and an NCAA record twenty-fifth straight post-season bowl appearance; and

WHEREAS, Head Coach Tom Osborne won his two hundredth college football game this season and has a career record of two hundred six wins, forty-seven losses, and three ties for the best winning percentage among all active coaches in major college football; and

WHEREAS, the 1993 Cornhusker football team gave their best effort throughout the season providing all Nebraskans with exciting memories and the knowledge that they were truly successful in their pursuit of excellence.

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

1. Congratulate Coach Tom Osborne and all member of his coaching staff for a job well done.

2. Congratulate the members of the 1993 University of Nebraska-Lincoln football team for their excellent effort and accomplishments all season long on the field of play and in the classroom.

3. That a copy of this resolution be presented to Coach Osborne and the team.

Laid over.

LEGISLATIVE RESOLUTION 287. Introduced by Vrtiska, 1.

WHEREAS, the city of Falls City has hosted the annual Hot Air Balloon Show and Aeronautical Extravaganza for the past eight years; and

WHEREAS, the event has steadily grown in reputation and attendance since its inception; and

WHEREAS, the event is designed to promote not only the beauty of hot air ballooning, but also the many attractions of southeast Nebraska; and

WHEREAS, we should recognize the ingenuity of our state's communities in sponsoring events which continue to promote the good life we share in Nebraska.

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

1. That the city of Falls City be declared the Hot Air Balloon Capital of Nebraska.

2. That a copy of this resolution be sent to Steve Kottich, Mayor of Falls City, and Linda Stout, Manager of the Falls City Area Chamber of Commerce.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 249 in the Journal. No objections. So ordered.

AM2673

1. Strike the original sections and insert the following new sections:

"Section 1. That section 84-901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-901. As used in the Administrative Procedure Act:

(1) Agency shall mean each board, commission, department, officer, division, or other administrative office or unit of the state government authorized by law to make rules and regulations, except the Adjutant General's office as provided in Chapter 55, the courts including the Nebraska Workers' Compensation Court, the Commission of Industrial Relations, the Legislature, and the Secretary of State with respect to the duties imposed by the Administrative Procedure Act;

(2) Rule or regulation shall mean any rule, regulation, or standard issued by an agency, including the amendment or repeal thereof whether with or without prior hearing and designed to implement, interpret, or make specific the law enforced or administered by it or governing its organization or procedure. Rule or regulation shall not include (a) ~~, but not including~~ rules and regulations concerning the internal management of the agency not affecting private rights, private interests, or procedures available to the public or (b) ~~and not including~~ permits, certificates of public convenience and necessity, franchises, rate orders, and

rate tariffs~~,~~ and any rules of interpretation thereof. For purposes ~~, and for the purpose~~ of the Administrative Procedure Act, every rule and regulation which ~~shall prescribe~~ prescribes a penalty shall be presumed to have general applicability or to affect private rights and interests; ~~and~~

(3) Contested case shall mean a proceeding before an agency in which the legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined after an agency hearing; and

(4) Ex parte communication shall mean an oral or written communication which is not on the record in a contested case with respect to which reasonable notice to all parties was not given. Filing and notice of filing provided under subdivision (6)(d) of section 84-914 shall not be considered on the record and reasonable notice for purposes of this subdivision. Ex parte communication shall not include:

(a) Communications which do not pertain to the merits of a contested case;

(b) Communications required for the disposition of ex parte matters as authorized by law; and

(c) Communications in a ratemaking or rule-making proceeding.

Sec. 2. That section 84-914, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-914. In contested cases:

(1) An agency may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. ~~It shall give effect to the rules of privilege recognized by law. It may~~ and exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence. An agency shall give effect to the rules of privilege recognized by law. Any party to a formal hearing before ~~such~~ an agency, from which a decision may be appealed to the courts of this state, may request that ~~such~~ the agency be bound by the rules of evidence applicable in district court by delivering to ~~such~~ the agency at least three days prior to the holding of ~~such~~ the hearing a written request therefor. Such request shall include the requesting party's agreement to be liable for the payment of costs incurred thereby and upon any appeal or review thereof, including the cost of court reporting services which the requesting party shall procure for the hearing. All costs of a formal hearing shall be paid by the party or parties against whom a final decision is rendered;

(2) An agency may administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents, and testimony, and cause ~~the~~ depositions to be taken of witnesses residing either within or without the state ~~to be taken~~ in the manner

prescribed by law for taking depositions in civil actions in ~~the~~ district court;

(3) All evidence including records and documents in the possession of the agency of which it desires to avail itself shall be offered and made a part of the record in the case. No ~~other~~ factual information or evidence other than the record shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts or ~~by incorporation~~ incorporated by reference;

(4) Every party shall have the right of cross-examination of witnesses who testify and shall have the right to submit rebuttal evidence; ~~and~~

(5) An agency may take ~~notice of judicially cognizable fact~~ official notice of cognizable facts and in addition may take official notice of general, technical, or scientific facts within its specialized knowledge and the rules and regulations adopted and promulgated by such agency. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of ~~the~~ material so noticed. ~~They~~ Parties shall be afforded an opportunity to contest ~~the~~ facts so noticed. The record shall contain a written record of everything officially noticed. An agency may utilize its experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to it; and

(6)(a) No party in a contested case or other person outside the agency having an interest in the contested case shall make or knowingly cause to be made an ex parte communication to the hearing officer or to an agency head or employee who is or may reasonably be expected to be involved in the decisionmaking process of the contested case.

(b) No hearing officer or agency head or employee who is or may reasonably be expected to be involved in the decisionmaking process of the contested case shall make or knowingly cause to be made an ex parte communication to any party in a contested case or other person outside the agency having an interest in the contested case.

(c) No agency head or employee engaged in the investigation or enforcement of a contested case shall make or knowingly cause to be made an ex parte communication to a hearing officer or agency head or employee who is or may reasonably be expected to be involved in the decisionmaking process of the contested case.

(d) The hearing officer or agency head or employee who is or may reasonably be expected to be involved in the decisionmaking process of the contested case who receives or who makes or knowingly causes to be made an ex parte communication set forth in subdivisions (6)(a) through (c) of this section shall file in the record of the contested case

(i) all such written communications, (ii) memoranda stating the substance of all such oral communications, and (iii) all written responses and memoranda stating the substance of all oral responses to all the ex parte communications. The filing shall be made within two working days of the receipt or making of the ex parte communication. Notice of the filing, with an opportunity to respond, shall be given to all parties of record.

(e) The prohibitions of subdivision (6) of this section shall apply beginning at the time notice for hearing is given. An agency may designate an earlier time, but such earlier time shall be required to be set forth in the agency's rules of procedure.

(f) The prohibitions contained in subdivisions (6)(a) and (b) of this section shall not apply to ex parte communications to or from an elected official. However, the disclosure requirements contained in subdivision (6)(d) of this section shall apply to ex parte communications to or from an elected official.

Sec. 3. That original sections 84-901 and 84-914, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 284 was referred to the Reference Committee.

ANNOUNCEMENT

Mrs. Bohlke announced the Education Committee elected Mrs. McKenzie as Vice Chairperson.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Elmer asked unanimous consent to have his name added as cointroducer to LB 864. No objections. So ordered.

Messrs. Coordsen, Jones, and Cudaback asked unanimous consent to have their names added as cointroducers to LB 905. No objections. So ordered.

VISITORS

Visitors to the Chamber were 75 students from Beatrice High School.

ADJOURNMENT

At 11:08 a.m., on a motion by Mr. Monen, the Legislature adjourned until 9:00 a.m., Friday, January 7, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRD DAY - JANUARY 7, 1994

LEGISLATIVE JOURNAL

THIRD DAY - JANUARY 7, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 7, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

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

ROLL CALL

The roll was called and all members were present except Messrs. Dierks, Fisher, and Hartnett who were excused; and Messrs. Abboud, Ashford, Avery, Beutler, Hall, Landis, Lindsay, Moore, Warner, Will, Mmes. McKenzie, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the second day was approved.

MOTION - Adopt Temporary Rules

Mrs. Rasmussen moved that the Rules, as now in our possession, be adopted for today only, Friday, January 7, 1994.

The motion prevailed.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 846 through 912, legislative resolutions 276CA, 277CA, 278CA, 279, 280CA, and Governor appointments.

LB	Committee
846	General File
847	General File
848	General File
849	General File
850	General File
851	General File
852	General File
853	General File
854	General File
855	General File
856	General File
857	General File
858	General File
859	General File
860	Natural Resources
861	Business and Labor
862	Banking, Commerce and Insurance
863	Education
864	Transportation
865	Revenue
866	Revenue
867	Banking, Commerce and Insurance
868	Judiciary
869	Transportation
870	Transportation
871	Revenue
872	Transportation
873	Transportation
874	Government, Military and Veterans Affairs
875	Revenue
876	Banking, Commerce and Insurance
877	Banking, Commerce and Insurance
878	Banking, Commerce and Insurance
879	Revenue
880	Revenue
881	Education
882	Agriculture
883	Banking, Commerce and Insurance
884	Banking, Commerce and Insurance
885	Revenue
886	Health and Human Services
887	Judiciary
888	Judiciary
889	Government, Military and Veterans Affairs
890	Judiciary
891	Judiciary
892	Judiciary
893	Nebraska Retirement Systems

894	Government, Military and Veterans Affairs
895	Transportation
896	Natural Resources
897	Revenue
898	Judiciary
899	Judiciary
900	Health and Human Services
901	Revenue
902	Revenue
903	Judiciary
904	Health and Human Services
905	Revenue
906	Judiciary
907	Judiciary
908	Judiciary
909	Health and Human Services
910	Revenue
911	Business and Labor
912	Judiciary

LR	**Committee**
276CA	Revenue
277CA	Revenue
278CA	Judiciary
279	Government, Military and Veterans Affairs
280CA	Government, Military and Veterans Affairs

Acklie, Duane - Nebraska State Highway Commission -- Transportation

Anderson, Merle - Nebraska Investment Council -- Banking, Commerce and Insurance

Aschenbrener, Carol - Commission on Information Technology -- Transportation

Auch, Mel - Nebraska Motor Vehicle Industry Licensing Board -- Transportation

Balters, Henry - Nebraska Board of Health -- Health and Human Services

Bartels, Keith - Nebraska Special Education Accountability Comm. -- Education

Beatty, Margene - Nebraska Special Education Accountability Comm. -- Education

Bird, Kenneth - Nebraska Special Education Accountability Comm. -- Education

Bunger, Joyce - Foster Care Review Board -- Health and Human Services

Burt, Sally - Child Abuse Prevention Fund Board -- Health and Human Services

Cannon, Robert - Nebraska Special Education Accountability Comm. -- Education

Chaffin, Richard - Nebraska Safety Center Advisory Council -- Education

Coash, Don - Nebraska Railway Council -- Transportation

Coupland, Robert - Nebraska State Personnel Board -- Government, Military and Veterans Affairs

Cunning, Michael - Commission on Information Technology -- Transportation

Curtiss, F.P. - Nebraska Oil and Gas Conservation Commission -- Natural Resources

Davis, Dick - Nebr. Coordinating Comm. for Postsecondary Ed. -- Education

Dellamano, Toby - Nebraska Ethanol Board -- Natural Resources

Eisenhart, Russell - Nebraska State Highway Commission -- Transportation

Erwin, Gail - Nebraska Arts Council -- General Affairs

Frenzen, Galen - Nebraska Environmental Quality Council -- Natural Resources

Galyen, Richard - Nebraska Environmental Quality Council -- Natural Resources

Gaughan, Joseph - Nebraska Special Education Accountability Comm. -- Education

Goldberg, Gary - Nebraska Ethanol Board -- Natural Resources

Griffin, Sheila - Nebr. Coordinating Comm. for Postsecondary Ed. -- Education

Hansen, Pearl - Nebraska Safety Center Advisory Council -- Education

Haughton, Sandra - Nebraska Special Education Accountability Comm. -- Education

Hergott, Randall - Nebraska Safety Center Advisory Council -- Education

Hillebrandt, J. Patrick - Nebraska Ethanol Board -- Natural Resources

Hinds, Don - Nebraska Arts Council -- General Affairs

Hirschbrunner, Dennis - Nebraska Board of Health -- Health and Human Services

Hood, Jane - Nebr. Coordinating Comm. for Postsecondary Ed. -- Education

Hughes, Dan - Nebraska Ethanol Board -- Natural Resources

Jensen, Clinton - Nebraska Ethanol Board -- Natural Resources

Kassebaum, Roger - Commission on Information Technology -- Transportation

Kayton, Robert - Nebraska State Highway Commission -- Transportation

Kiefer, Darlene - Nebraska Environmental Quality Council -- Natural Resources

Kohles, Derald - Nebraska Safety Center Advisory Council -- Education

Lambert, Velda - Nebraska Special Education Accountability Comm. -- Education

LaBounty, Rachael - Commission on Information Technology -- Transportation

Lecuono, Fernando - Nebraska Safety Center Advisory Council -- Education

Lierk, Ellen - Nebraska Accountability & Disclosure Commission -- Government, Military and Veterans Affairs

Lindau, Sheryl - Commission on Information Technology -- Transportation

Louis, Virgie - Nebraska State Personnel Board -- Government, Military and Veterans Affairs

Marcy, Barbara - Nebr. Coordinating Comm. for Postsecondary Ed. -- Education

McBride, Jack - Commission on Information Technology -- Transportation

McFarland, James - Nebraska Commission of Industrial Relations -- Business and Labor

McFarland, Max - Nebraska Special Education Accountability Comm. -- Education

Mitchell, Marilyn - Nebraska Arts Council -- General Affairs

Moore, Barbara - Foster Care Review Board -- Health and Human Services

Morrissey, Spencer - Nebraska Environmental Quality Council -- Natural Resources

Moul, Maxine - Director, Department of Economic Development -- Banking, Commerce and Insurance

Olson, Floyd - Commission on Information Technology -- Transportation

Pearson, James - Nebraska Safety Center Advisory Council -- Education

Perry, Samuel - Child Abuse Prevention Fund Board -- Health and Human Services

Pinhero, Joseph - Nebraska State Electrical Board -- General Affairs

Podraza, Bill - Nebraska Environmental Quality Council -- Natural Resources

Polzien, Duane - Nebraska Board of Health -- Health and Human Services

Reyes, Nicolas - Nebraska Special Education Accountability Comm. -- Education

Rogers, Patrick - Nebraska Board of Educational Lands & Funds -- Education

Sands, David - Nebraska Environmental Quality Council -- Natural Resources

Schmid, Myrna - Foster Care Review Board -- Health and Human Services

Schroeder, Craig - Commission on Information Technology -- Transportation

Shannon, Michael - Nebraska Railway Council -- Transportation

Sidwell, Jean - Nebraska Arts Council -- General Affairs

Sigler, Jean - Nebraska Special Education Accountability Comm. -- Education

Smith, Dwayne - Nebraska Environmental Quality Council -- Natural Resources

Smith, Emmett - Nebraska State Electrical Board -- General Affairs

Sobotka, Harold - Nebraska Safety Center Advisory Council -- Education

Soper, Ron - Nebraska Oil and Gas Conservation Commission -- Natural Resources

Stewart, Glen - Nebraska Ethanol Board -- Natural Resources

Stoddard, Ron - Nebraska Ethanol Board -- Natural Resources

Sweeney, Robert - Commission on Information Technology -- Transportation

Thompson, Don - Nebraska Safety Center Advisory Council -- Education

Thundercloud, Patricia - Nebraska Special Education Accountability Comm. -- Education

Tremain, Sally - Nebraska Special Education Accountability Comm. -- Education

Wagoner, Dick - Nebraska Dry Bean Commission -- Agriculture

Wempe, Charles - Nebraska Board of Health -- Health and Human Services

Wittler, Kathleen - Nebraska Environmental Quality Council -- Natural Resources

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

NATURAL RESOURCES DISTRICT REPORTS

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1993 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Little Blue Natural Resources District	
Shoemaker & Witt	7,214.55
NE Association of Resources Districts	196.38
Lower Loup Natural Resources District	None
Nebraska Natural Resources Commission	None

COMMITTEE ON COMMITTEES REPORT

Mrs. Crosby moved the approval of the Committee on Committees report, found in the Journal on pages 174 through 176.

The motion to approve the Committee on Committees report prevailed with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 281. Read. Considered.

LR 281 was adopted with 24 ayes, 0 nays, and 25 not voting.

LEGISLATIVE RESOLUTION 283. Read. Considered.

LR 283 was adopted with 29 ayes, 0 nays, and 20 not voting.

LEGISLATIVE RESOLUTION 286. Read. Considered.

LR 286 was adopted with 29 ayes, 0 nays, and 20 not voting.

LEGISLATIVE RESOLUTION 287. Read. Considered.

LR 287 was adopted with 27 ayes, 0 nays, and 22 not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 288. Introduced by Wesely, 26.

WHEREAS, Eugene "Joe" Neal served as a security officer for the State Capitol for twenty-two years, and was the Director of Security for the past fifteen years; and

WHEREAS, Joe was responsible for bringing the State Capitol security system into the computer age; and

WHEREAS, Joe was proud of the State Capitol and was involved in bringing to reality many ideas to display and promote it, such as a slide presentation program, the Spirit of the Prairie Gift Shop, supervision of the tour guides, and the opening of the fourteenth floor at night; and

WHEREAS, Joe was highly respected by his coworkers and the twelve members of his security staff; and

WHEREAS, Joe gave his leadership to the community in many endeavors, especially the Cornhusker State Games, the Boy Scouts of America, the Lions Club, and the Nebraskaland Foundation; and

WHEREAS, Joe, quietly in the background, served people with pride, respect, integrity, and excellence.

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

1. That the Legislature wishes to extend sympathy to the members of Joe Neal's family.

2. That the Legislature also wishes to express appreciation for Joe Neal's many years of fine work and for his valued leadership in many areas.

MOTION - Suspend Rules

Mr. Wesely moved to suspend the Rules, Rule 4, Section 6, to permit consideration of LR 288.

The motion to suspend the rules prevailed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 288. Read. Considered.

LR 288 was adopted with 31 ayes, 0 nays, and 18 not voting.

MOTION - Adopt Permanent Rules

Mr. Will moved to adopt the permanent rules.

MR. HALL PRESIDING

The Rules Committee renewed their proposed rules change, found in the Journal on page 177, to Rule 2, Section 3(e) and (h).

The Rules Committee proposed rules change was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

The Rules Committee renewed their proposed rules change, found in the Journal on page 177, to Rule 3, Section 2(b).

The Rules Committee proposed rules change was adopted with 33 ayes, 4 nays, 7 present and not voting, and 5 excused and not voting.

The Rules Committee renewed their proposed rules change, found in the Journal on page 178, to Rule 7, Section 5(a) and (b).

The Rules Committee proposed rules change was adopted with 25 ayes, 15 nays, 4 present and not voting, and 5 excused and not voting.

The Rules Committee renewed their proposed rules change, found in the Journal on page 179, to Rule 7, Section 7(c).

The Rules Committee proposed rules change lost with 13 ayes, 25 nays, 6 present and not voting, and 5 excused and not voting.

Mr. Wesely, Mmes. Rasmussen, and Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

The Rules Committee renewed their proposed rules change, found in the Journal on page 178, to Rule 2, Section 1.

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

SPEAKER WITHEM PRESIDING

The Rules Committee proposed rules change was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

The Rules Committee renewed their proposed rules change, found in the Journal on page 179, to Rule 4, Section 5.

Mr. Chambers offered the following amendment to the pending proposed rules change:

In the 5th line strike "members" and insert "member"

The Chambers amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

The Rules Committee proposed rules change, as amended, was adopted with 26 ayes, 2 nays, 14 present and not voting, and 7 excused and not voting.

The Rules Committee renewed their proposed rules change, found in the Journal on page 179, to Rule 6, Section 3(h).

Mr. Lynch and Ms. Day asked unanimous consent to be excused until they return. No objections. So ordered.

The Rules Committee proposed rules change was adopted with 25 ayes, 6 nays, 10 present and not voting, and 8 excused and not voting.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 288.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 948. Introduced by Moore, 24.

A BILL FOR AN ACT relating to state administrative departments; to eliminate a provision relating to the housing of the Director of Communications and staff; to repeal section 81-1120.21, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 949. Introduced by Robinson, 16.

A BILL FOR AN ACT relating to game birds and animals; to amend sections 37-501.01, 37-513, 37-903, and 37-910, Reissue Revised Statutes of Nebraska, 1943, sections 37-501 and 37-706, Revised Statutes Supplement, 1992, and sections 37-901, 37-905, and 37-908, Revised Statutes Supplement, 1993; to change the method of marking certain game birds; to eliminate restrictions on killing or capturing game animals while training dogs; to change restrictions on the pursuit and taking of marked game birds; to require marking prior to selling or bartering game birds; to change provisions relating to game breeding and controlled shooting areas; to change a fee for nonresidents; to eliminate provisions on closed seasons and special representatives for enforcement; to harmonize provisions; and to repeal the original sections, and also sections 37-907 and 37-909, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 950. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to trees; to state intent; to provide for the Nebraska Tree Recovery Program; to appropriate funds; and to provide for grants.

LEGISLATIVE BILL 951. Introduced by Hudkins, 21; Bohlke, 33; Haberman, 44; Jones, 43; Robak, 22; Robinson, 16; Schmitt, 41.

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

LEGISLATIVE BILL 952. Introduced by Hudkins, 21; Bohlke, 33; Haberman, 44; Jones, 43; Robak, 22; Robinson, 16; Schimek, 27; Schmitt, 41.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-806, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to public indecency as prescribed; and to repeal the original section.

LEGISLATIVE BILL 953. Introduced by Coordsen, 32; Schmitt, 41; Wickersham, 49.

A BILL FOR AN ACT relating to habitat stamps; to amend section 37-216.07, Reissue Revised Statutes of Nebraska, 1943, and section 37-102, Revised Statutes Supplement, 1993; to provide for a lifetime habitat stamp; to provide fees; and to repeal the original sections.

LEGISLATIVE BILL 954. Introduced by Warner, 25.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-931, Reissue Revised Statutes of Nebraska, 1943, sections 85-937 and 85-1414, Revised Statutes Supplement, 1992, and section 85-1412, Revised Statutes Supplement, 1993; to add general architecture as a graduate degree program; to change provisions relating to the review and approval of certain projects and programs by the Coordinating Commission for Postsecondary Education; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 955. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to judges; to amend sections 24-301.02 and 24-503, Revised Statutes Supplement, 1993; to change provisions relating to the number of district and county court judges; and to repeal the original sections.

LEGISLATIVE BILL 956. Introduced by Schimek, 27; Bohlke, 33; Elmer, 38.

A BILL FOR AN ACT relating to insurance; to amend section 44-3,131, Reissue Revised Statutes of Nebraska, 1943; to require scalp hair prostheses coverage as prescribed; to define terms; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 957. Introduced by Landis, 46.

A BILL FOR AN ACT relating to accountants; to amend section 1-169, Reissue Revised Statutes of Nebraska, 1943, and sections 1-126, 1-133, and 1-135, Revised Statutes Supplement, 1993; to provide for partial ownership of accounting firms by persons not licensed as accountants; to provide for rules and regulations; to change notice requirements to the Nebraska State Board of Public Accountancy regarding admission or withdrawal of a partner or member; to provide responsibilities for managers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 958. Introduced by Wickersham, 49; Coordsen, 32; Hillman, 48; Janssen, 15; Jones, 43; Matzke, 47.

A BILL FOR AN ACT relating to trout stamps; to amend section 37-216.07, Reissue Revised Statutes of Nebraska, 1943, and section 37-102, Revised Statutes Supplement, 1993; to provide for a lifetime trout stamp; to provide fees; and to repeal the original sections.

LEGISLATIVE BILL 959. Introduced by Coordsen, 32; Byars, 30; Cudaback, 36; Dierks, 40; Elmer, 38; Haberman, 44; Jones, 43; McKenzie, 34; Moore, 24; Schmitt, 41; Vrtiska, 1; Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Supplement, 1992; to exempt personal property other than certain motor vehicles from property tax; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 960. Introduced by Coordsen, 32; Byars, 30; Cudaback, 36; Dierks, 40; Elmer, 38; Haberman, 44; Hudkins, 21; Jones, 43; McKenzie, 34; Schellpeper, 18; Schmitt, 41; Vrtiska, 1; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to property taxation; to amend section 77-202, Revised Statutes Supplement, 1992; to exempt farm products from taxation; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 961. Introduced by Coordsen, 32; Byars, 30; Cudaback, 36; Dierks, 40; Elmer, 38; Haberman, 44; Hudkins, 21; Janssen, 15; Jones, 43; McKenzie, 34; Moore, 24; Robinson, 16; Schellpeper, 18; Schmitt, 41; Vrtiska, 1; Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-118 and 77-202, Revised Statutes Supplement, 1992; to redefine a term; to exempt livestock from personal property taxation; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 962. Introduced by McKenzie, 34; Bohlke, 33; Coordsen, 32; Elmer, 38; Hudkins, 21; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to water wells; to amend section 46-659, Revised Statutes Supplement, 1993; to provide an exemption from a permit requirement; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 963. Introduced by McKenzie, 34; Bohlke, 33; Bromm, 23; Coordsen, 32; Elmer, 38; Hudkins, 21; Matzke, 47; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to ground water; to provide for certain transfers of ground water as prescribed; to provide duties for the Director of Water Resources; and to provide a limitation.

LEGISLATIVE BILL 964. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to historical vehicles; to amend section 60-311.16, Reissue Revised Statutes of Nebraska, 1943; to provide for the use of certain license plates; to provide a fee; and to repeal the original section.

LEGISLATIVE BILL 965. Introduced by Robak, 22; Chambers, 11.

A BILL FOR AN ACT relating to criminal history information; to amend sections 29-210, 29-3506, 29-3507, 29-3511, 29-3516, 29-3521, and 29-3523, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the expungement of certain criminal history record information and public records; to redefine terms; to provide a duty; and to repeal the original sections.

LEGISLATIVE BILL 966. Introduced by Elmer, 38; Bohlke, 33; Janssen, 15; Landis, 46; Lynch, 13; Matzke, 47; McKenzie, 34; Schimek, 27; Schmitt, 41.

A BILL FOR AN ACT relating to mobile home parks; to amend sections 71-4625, 71-4628, 71-4632, 71-4633, and 71-4634, Reissue

Revised Statutes of Nebraska, 1943, and section 71-4621, Revised Statutes Supplement, 1993; to require mobile home park owners to provide a storm shelter as prescribed; to provide powers for the State Fire Marshal; to provide a fee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 967. Introduced by Landis, 46.

A BILL FOR AN ACT relating to interest, loans, and debt; to amend section 45-127, Reissue Revised Statutes of Nebraska, 1943, and section 45-101.04, Revised Statutes Supplement, 1993; to adopt the Delayed Deposit Services Licensing Act; to provide penalties; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 968. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to the Board of Parole; to amend section 83-190, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to removal of members; to eliminate duties of the Board of Pardons; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 969. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to the Board of Parole; to amend section 83-189, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to qualifications for membership; and to repeal the original section.

LEGISLATIVE BILL 970. Introduced by Lindsay, 9; Schimek, 27.

A BILL FOR AN ACT relating to salaries; to amend section 75-104, Reissue Revised Statutes of Nebraska, 1943, and sections 84-101.01, 84-201.01, and 84-721, Revised Statutes Supplement, 1993; to increase the salaries of constitutional officers in increments as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 971. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to law enforcement; to amend sections 14-709, 23-1701.01, 81-1404, 81-1406, 81-1407, 81-1411, 81-1413, 81-1414, 81-1417, 81-1418, 81-1419, 81-1422, 81-1423, and 81-1439, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1403 and 81-1410, Revised Statutes Supplement, 1992; to change and eliminate provisions relating to the training of law enforcement officers and the responsibility for the Nebraska Law Enforcement Training Center; to change the powers and duties of and membership provisions relating to the Nebraska Police Standards Advisory Council and the Commission

on Law Enforcement and Criminal Justice; to eliminate a provision on transfer of property; to harmonize provisions; and to repeal the original sections, and also sections 81-1412 and 81-1427, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 972. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to real estate conveyances; to amend section 76-214, Reissue Revised Statutes of Nebraska, 1943; to allow access to recording statements by appraisers; and to repeal the original section.

LEGISLATIVE BILL 973. Introduced by Robak, 22; Bromm, 23.

A BILL FOR AN ACT relating to the Department of Health; to amend section 71-2622, Revised Statutes Supplement, 1992; to change provisions relating to the inspection of private water supplies and private sewage disposal facilities; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 974. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-306, Uniform Commercial Code; to prohibit an implied authority to sell, exchange, or dispose of farm products held as collateral as prescribed; to prohibit a waiver of a security interest in farm products as prescribed; and to repeal the original section.

LEGISLATIVE BILL 975. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 81-814.01, Revised Statutes Supplement, 1992; to change the maximum amount authorized for change cash funds; and to repeal the original section.

LEGISLATIVE BILL 976. Introduced by Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2702.07, 77-2702.13, 77-2703, and 77-2704.12, Revised Statutes Supplement, 1993; to create a fund; to provide for municipal infrastructure grants; to provide for sales and use taxation of certain services; to limit an exemption; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 977. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Hartnett, 45; Landis, 46; Schellpeper, 18; Wickersham, 49; Will, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2706.01, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2702.07, 77-2702.13, 77-2704.12, 77-2704.13, 77-2704.15, 77-2704.30, 77-2706, 77-2710, 77-2715.02, 77-2777, 77-2778, and 77-2780, Revised Statutes Supplement, 1993; to redefine terms relating to sales and use tax; to change sales and use tax exemption provisions; to change certain references to property; to provide an income tax rate schedule for estates and trusts; to change provisions relating to income tax deficiencies; and to repeal the original sections.

LEGISLATIVE BILL 978. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend section 48-144.03, Reissue Revised Statutes of Nebraska, 1943, sections 44-222, 44-322, 44-416.01, 44-710.19, 44-1540, 44-1643, 44-2002, 44-2143, 44-4417, and 44-5508, Revised Statutes Supplement, 1992, and sections 44-214, 44-219, 44-1523, 44-1525, 44-1538, 44-1640, 44-3904, 44-6001, 44-6002, 44-6008, 44-6009, 44-6015 to 44-6019, and 44-6021 to 44-6026, Revised Statutes Supplement, 1993; to adopt the Disclosure of Material Insurance Transactions Act; to require life insurance companies to submit an opinion on reserves; to define terms; to provide for rules and regulations; to change provisions regulating maximum risks; to provide penalties; to change provisions relating to groups of underwriters; to change provisions relating to coverage for newly born children; to prescribe certain unfair claims practices; to change continuing education requirements for title insurance licensees; to rename the Life and Health Insurers Risk-Based Capital Act; to make the act applicable to property and casualty insurers; to redefine terms; to limit the liability of the Director of Insurance and Department of Insurance as prescribed; to change reporting provisions; to change provisions relating to notices of cancellation of workers' compensation insurance; to eliminate an exemption from certificate of authority requirements; to provide fees; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 979. Introduced by Landis, 46.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-133, 8-147, 8-152, 8-164, and 45-334, Reissue Revised Statutes of Nebraska, 1943, and sections 8-141 and 8-148.04, Revised Statutes Supplement, 1993; to provide for deposit coverage by guaranty bond as prescribed; to change provisions relating to the determination of lending limits; to provide powers for banks as prescribed; to eliminate a provision relating to real estate loan limitations; to change the investment percentage for banks investing in community development corporations; to change provisions relating to bank dividends; to provide for extensions and deferments under a retail

installment contract and fees for such extensions and deferments as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 980. Introduced by Landis, 46.

A BILL FOR AN ACT relating to documents; to amend sections 45-156 and 45-336, Reissue Revised Statutes of Nebraska, 1943, and section 25-12,112, Revised Statutes Supplement, 1992; to change a provision relating to preservation of records; to require the return and cancellation of copies of loan documents; and to repeal the original sections.

LEGISLATIVE BILL 981. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to water wells; to amend sections 2-1589, 46-1202, and 46-1234, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1579, 46-602, 46-606, 46-659, 46-1201, 46-1203, 46-1224, and 46-1227, Revised Statutes Supplement, 1993; to require a cost-sharing program for plugging abandoned water wells as prescribed; to provide penalties; to change provisions relating to expenditures and allocations from the Nebraska Soil and Water Conservation Fund and the Nebraska Resources Development Fund; to define terms; to change provisions relating to registrations and fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 982. Introduced by Elmer, 38; Schmitt, 41.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-105, 60-109, 60-116, 60-117, and 60-314, Reissue Revised Statutes of Nebraska, 1943, sections 60-103, 60-104, and 60-107.01, Revised Statutes Supplement, 1992, and sections 60-102, 60-106, 60-107, 60-110, 60-111, 60-112, 60-113, and 60-115, Revised Statutes Supplement, 1993; to require a certificate of title and a vehicle identification number for all vehicles required to be registered; to harmonize provisions; to provide an exception; to provide an operative date; and to repeal the original sections, and also section 60-101, Reissue Revised Statutes of Nebraska, 1943.

MOTION - Adopt Permanent Rules

The Rules Committee renewed their proposed rules change, found in the Journal on page 179, to Rule 7, Section 3(e).

The Rules Committee proposed rules change lost with 10 ayes, 19 nays, 13 present and not voting, and 7 excused and not voting.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

The Rules Committee renewed their proposed rules change, found in the Journal on pages 179 and 180, to Rule 7, Section 10.

The Rules Committee proposed rules change was adopted with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

The Rules Committee renewed their proposed rules changes, found in the Journal on pages 180 through 182, to Rules 7, Section 3(a), Rule 7, Section 7(b), and Rule 7, Section 10.

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

Mr. Chambers offered the following amendment to the pending proposed rules changes:

To provide that a motion to reconsider takes precedence over a motion to invoke cloture.

MR. HALL PRESIDING

The Chambers amendment lost with 6 ayes, 18 nays, 16 present and not voting, and 9 excused and not voting.

Mr. Chambers requested a record vote on the adoption of the Rules Committee pending proposed rules changes.

Voting in the affirmative, 25:

Abboud	Coordsen	Hudkins	Pedersen	Wehrbein
Bernard-Stevens	Cudaback	Janssen	Pirsch	Wickersham
Beutler	Elmer	Matzke	Schmitt	Will
Bromm	Engel	Monen	Vrtiska	Witek
Byars	Hillman	Moore	Warner	Withem

Voting in the negative, 6:

Avery	Crosby	Haberman	Hall	Robak
Chambers				

Present and not voting, 9:

Ashford	Kristensen	Lindsay	Preister	Wesely
Jones	Landis	McKenzie	Robinson	

Excused and not voting, 9:

Bohlke	Dierks	Hartnett	Rasmussen	Schimek
Day	Fisher	Lynch	Schellpeper	

The Rules Committee proposed rules changes were adopted with 25 ayes, 6 nays, 9 present and not voting, and 9 excused and not voting.

The Rules Committee renewed their proposed rules change, found in the Journal starting on page 182, relating to Election Contest and Qualifications Challenges.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler offered the following amendment to the pending proposed rules change:

Amend new rule "Election Contest and Qualifications Challenges" part (d) as follows:

1. In the second sentence, strike "and" and insert "," in the same location.

2. In the second sentence, before the period insert ", and shall consist of members appointed by the Executive Board.

The Beutler amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Pending.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Moore asked unanimous consent to have his name added as cointroducer to LB 885. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 289. Introduced by Chambers, 11.

WHEREAS, in 1990 the Legislature adopted Legislative Resolution 231; and

WHEREAS, Legislative Resolution 231 provided that the Legislature ban the use of styrofoam containers by Senators and staff of the Legislature; and

WHEREAS, the Legislature now would like to resume the use of styrofoam containers.

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

1. That the ban on the use of styrofoam containers by Senators and staff of the Legislature is hereby ended.

Laid over.

LEGISLATIVE RESOLUTION 290. Introduced by Robak, 22.

WHEREAS, the Nance County community of Fullerton has won first prize in the thirtieth annual Nebraska Community Improvement Program competition; and

WHEREAS, the Hoiberg Award and its five hundred dollar cash prize were based on the renovation of an old hospital building into a library, the establishment of the Fullerton Youth Center, and the development of the Loup-Cedar Valley Regional Golf Course; and

WHEREAS, the community of Fullerton also received the Special Award in Youth Involvement; and

WHEREAS, the community of Fullerton was the Class IV winner for community improvement.

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

1. That the Legislature congratulates the entire community of Fullerton, Strategy Committee Chairperson Gretchen Treadway, and City Administrator Troy Strom.

2. That a copy of this resolution be sent to the community of Fullerton, Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 291. Introduced by Vrtiska, 1.

WHEREAS, the Johnson-Brock High School Girls' Volleyball team won the 1993 Class C-2 State Championship; and

WHEREAS, the Eagles compiled a record of 25 wins and 2 losses throughout the 1993 season; and

WHEREAS, we should continue to recognize the achievements of our youth in academics, athletics, and the arts.

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

1. That the Legislature congratulate the 1993 Johnson-Brock High School Girls' Volleyball team.

2. That a copy of this resolution be sent to Ryan Placek, Johnson-Brock High School, 310 Main St., Box 186, Johnson, NE 68378.

Laid over.

LEGISLATIVE RESOLUTION 292. Introduced by Vrtiska, 1.

WHEREAS, the Falls City Sacred Heart High School Football team won the 1993 Class D-2 State Championship; and

WHEREAS, the Irish compiled a record of 13 wins and 0 losses throughout the 1993 season; and

WHEREAS, the team has compiled a string of 64 consecutive victories which ranks as the longest current winning streak in the nation, along with Morrison, Oklahoma; and

WHEREAS, we should continue to recognize the achievements of our youth in academics, athletics, and the arts.

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

1. That the Legislature congratulate the 1993 Falls City Sacred Heart High School football team.

2. That a copy of this resolution be sent to Douglas Goltz, Sacred Heart Secondary School, E. 18th & Dewey, Box 339, Falls City, NE 68355.

Laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 983. Introduced by Wesely, 26; Hall, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-4101, 77-4102, 77-4104, and 77-4107, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the Employment and Investment Growth Act; to provide duties for the Department of Revenue; to require a positive net fiscal return to the state as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 984. Introduced by Wehrbein, 2; Coordsen, 32; McKenzie, 34; Robinson, 16; Vrtiska, 1.

A BILL FOR AN ACT relating to ethanol; to amend sections 66-1330 and 66-1345, Revised Statutes Supplement, 1993; to impose an excise tax on corn and grain sorghum to pay for certain credits; to require the transfer of General Funds; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 985. Introduced by Wehrbein, 2; Coordsen, 32.

A BILL FOR AN ACT relating to the Environmental Trust Fund; to amend section 81-15,176, Revised Statutes Supplement, 1993; to change provisions relating to priorities in allocation; and to repeal the original section.

LEGISLATIVE BILL 986. Introduced by Bernard-Stevens, 42; Ashford, 6.

A BILL FOR AN ACT relating to the Waste Reduction and Recycling Incentive Fund; to amend section 81-15,161, Revised Statutes Supplement, 1993; to change provisions relating to the required vote on approval of allocations from the fund; and to repeal the original section.

LEGISLATIVE BILL 987. Introduced by Withem, 14; Bohlke, 33.

A BILL FOR AN ACT relating to the Postsecondary Education Award Program Act; to amend section 85-9,145, Revised Statutes Supplement, 1992; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 988. Introduced by Lindsay, 9; Abboud, 12; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Beutler, 28; Bromm, 23; Byars, 30; Cudaback, 36; Day, 19; Engel, 17; Hillman, 48; Hudkins, 21; Janssen, 15; Matzke, 47; Monen, 4; Pirsch, 10; Rasmussen, 20; Robak, 22; Schmitt, 41; Vrtiska, 1; Wehrbein, 2; Wesely, 26; Wickersham, 49; Withem, 14, at the request of the Governor.

A BILL FOR AN ACT relating to youth justice; to amend sections 28-1201, 28-1204, 29-829, 43-252, 43-258, 43-299, 81-1826, and 83-364, Reissue Revised Statutes of Nebraska, 1943, sections 28-101, 43-286, 43-287, 43-2403, 43-2406, 71-901, and 83-911.01, Revised Statutes Supplement, 1992, and sections 29-2204, 83-465, 83-467, 83-469, 83-470, 83-472, 83-473, 83-487, 83-4,101, 83-4,104, 83-4,140, 83-4,141, and 83-922, Revised Statutes Supplement, 1993; to define terms; to provide for the confiscation and destruction of certain firearms and weapons involving juveniles and schools as prescribed; to change provisions relating to the authorized search of a person for a weapon; to provide penalties; to create the Office of Juvenile Services; to state intent; to provide powers and duties; to authorize court participation; to eliminate the Division of Juvenile Services of the Department of Correctional Services and the Youth Services Planning Commission; to rename the youth development centers to the youth rehabilitation and treatment centers; to change provisions relating to establishment of and placement in regimented inmate discipline units; to provide duties for the Department of Correctional Services, the Nebraska Commission on Law Enforcement and Criminal Justice, and the Department of Labor; to harmonize provisions; to provide a termination date for sections relating to the Youth Diagnostic and Rehabilitation Center; and to repeal the original sections, and also section 83-929, Reissue Revised Statutes of Nebraska, 1943, sections 43-2801 to 43-2804, Revised Statutes Supplement, 1992, and sections 83-925 to 83-928 and 83-930, Revised Statutes Supplement, 1993.

LEGISLATIVE BILL 989. Introduced by Abboud, 12; Ashford, 6; Beutler, 28; Cudaback, 36; Hillman, 48; Lindsay, 9; Monen, 4; Pedersen, 39; Pirsch, 10; Rasmussen, 20; Vrtiska, 1; Wickersham, 49.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-3805, Revised Statutes Supplement, 1992; to allow school districts participating in the Early Childhood Education Pilot Project or similar programs to receive state aid under the Tax Equity and Educational Opportunities Support Act as prescribed; and to repeal the original section.

LEGISLATIVE BILL 990. Introduced by Will, 8; Robinson, 16.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,188, Revised Statutes Supplement, 1993; to increase the fines for speeding in a construction zone; and to repeal the original section.

ADJOURNMENT

At 12:24 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:45 a.m., Monday, January 10, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FOURTH DAY - JANUARY 10, 1994

LEGISLATIVE JOURNAL

FOURTH DAY - JANUARY 10, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 10, 1994

Pursuant to adjournment, the Legislature met at 9:45 a.m., President Robak presiding.

PRAYER

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

ROLL CALL

The roll was called and all members were present except Mrs. Crosby who was excused; and Messrs. Warner and Will who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the third day was approved.

MOTION - Adopt Temporary Rules

Mr. Withem moved that the Rules, as now in our possession, be adopted for today only, Monday, January 10, 1994.

The motion prevailed.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 7, 1994. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell

Clerk of the Legislature

Anderson, Michael F. - Lincoln (Withdrawn 05/15/93)	The Nebraska Coalition for the Environment
Archuletta, Kelly - Lincoln	ASUN - UNL Student Government
Baack, Dennis - Lincoln	Nebraska Community College Association
Bassett, Robert W. - Lincoln	American Association of Retired Persons
Benes, Keith - Lincoln	ASUN - UNL Student Government
Blacklidge, Raymond M. - Schaumburg, IL	Alliance of American Insurers
Bones, Amy - Omaha	IBM Corporation (Withdrawn 10/31/93)
	Multistate Associates on Behalf of Pet Food Institute of Washington, D.C. (Withdrawn 10/31/93)
	Omaha Zoological Society (Withdrawn 10/31/93)
	Services for Children (Withdrawn 10/31/93)
Cavanaugh, James P. - Omaha	Nebraska Fraternal Order of Police
Chizek, Jerry - Omaha	County Judges Association (Withdraw 1/5/94)
Cline, Williams, Wright, Johnson & Oldfather	
Campbell, Mary M. - Lincoln	Educational Service Units
Clubine, Ginger - Lincoln (Withdrawn 08/31/93)	The Arc of Nebraska
Cutshall, Bruce A. - Lincoln	Bryan Memorial Hospital
	Nebraska County Judges' Association
	Nebraska Hospital Association (Withdrawn 11/08/93)
Elliott, Amy R. - Washington, DC	National Rifle Association
Elliott, Mary Helen - Lincoln	Nebraska Nurse Practitioners
Frisk, Deanna M. - Omaha (Withdrawn 93/06/12)	League of Women Voters of Nebraska
Gigstad, Carolyn D. - Lincoln	American Consulting Engineers Council of Nebraska
	Nebraska Society of Professional Engineers
Gingery, Robert O. - Lincoln	American Association of Retired Persons
Goc, John J. - Lincoln	Advanced Institutional Management Software, Inc. (Withdrawn 06/08/93)
Green, John K. - Omaha (Withdrawn 06/08/93)	United Health Care Corporation
Grieser, Mary Taylor - Lincoln	Nebraska Society of Certified Public Accountants
Heaton, Keith D. - Kearney (Withdrawn 12/22/93)	American Association of Retired Persons
Huff, Martin B. - Lincoln (Withdrawn 10/15/93)	Nebraska Manufactured Housing Association, Inc.
Jennings, Warren E. - Lincoln	Farmers Mutual Insurance Company of Nebraska (Withdrawn 12/28/93)
	Insurance Federation of Nebraska
Johnson, Mary A. - Lincoln	City of Lincoln

Kelley, Michael - Omaha	Asbestos Contractors Association of Nebraska
	Nebraskans for HealthCare Equity (Withdrawn 12/01/93)
	Saint Joseph Hospital
Kendrick, Leslie E. - Omaha	Boys and Girls Home of Nebraska (Withdrawn 08/11/93)
	Multistate Associates on Behalf of Automated Wagering International, Inc. (Withdrawn 08/11/93)
	Multistate Associates on Behalf of Pet Food Institute of Washington, D.C. (Withdrawn 08/11/93)
	Omaha Zoological Society (Withdrawn 08/11/93)
	Services for Children (Withdrawn 08/11/93)
	Uta Halee Girls Village (Withdrawn 08/11/93)
Kulesher, Kate M. - Omaha	American Home Products Corporation
Lenzi, John C. - Washington, DC (Withdrawn 09/07/93)	National Rifle Association
Lutz, Mark - Lincoln	Nebraska Restaurant Association
MacDowell, L. J. - Lincoln (Withdrawn 07/14/93)	American Association of Retired Persons, State Legislative Committee
McGrath, North, Mullin & Kratz	
Norton, Bob - Omaha (Withdrawn 06/08/93)	Beef America Company, Inc.
Monaghan, Thomas J. - Omaha (Withdrawn 06/25/93)	Scientific Games Inc.
Mueller, William J./Knudsen, Berkheimer, et al.	
Mueller, William J. - Lincoln	Automated Wagering International, Inc. (Withdrawn 06/29/93)
	Nebraska Hearing Aid Association
Nowka, Trent P. - Lincoln (Withdrawn 06/11/93)	Nebraska Farm Bureau Federation
O'Hara & Associates, Inc.	
O'Hara, Paul V. - Lincoln	Clean Environment Committee
Pappas, James E. - Lincoln	Advanced Institutional Management Software (Withdrawn 06/08/93)
Parr, Ann L. - Lincoln	Farmers Mutual Insurance Company of Nebraska
Ptacek, Kelly Karl - Omaha	Greater Omaha Chamber of Commerce
Prucha, George - Omaha (Withdrawn 07/22/93)	Nebraska Retail Grocers Association
Radcliffe and Associates	
Radcliffe, Walter H. - Lincoln	Nebraska Broadcasters Association
Ramsey, William E. - Omaha	Valley Ice Company
Rasmussen, Dennis - Lincoln	Nebraska Historical Society (Withdrawn 05/31/93)
	Livestock Feeders & Producers of Howard County (Withdrawn 06/08/93)

Remington, S. June - Lincoln	Nebraska Council of School Administrators (Withdrawn 12/01/93)
	Nebraska Educational Service Units Boards Association (Withdrawn 12/01/93)
Rempe, Jay E. - Lincoln	Nebraska Farm Bureau Federation
Reutzel, Barry - Lincoln (Withdrawn 05/31/93)	DeCamp Legal Services, P.C.
Richards, Eric A. - Lincoln	The Arc of Nebraska
Richards, Thomas J. - Omaha	Omaha Public Power District
Robertson, Rob J. - Lincoln	Nebraska Farm Bureau Federation
Rogers, Carson - Ord	Bunker Hill Cattle Company (Withdrawn 08/20/93)
Ruth, Larry L./Knudsen, Berheimer, et al.	
Ruth, Larry L. - Lincoln	Automated Wagering International, Inc. (Withdrawn 06/29/93)
	Nebraska Hearing Aid Association
Schizas, Jennifer - Lincoln (Withdrawn 09/09/93)	Nebraska Food Industry Association
Setzepfandt, Scott - Lakeville, MN	Syntex Laboratories, Inc.
Sheffield, Roger D. - Omaha (Withdrawn 08/17/93)	American Red Cross
Skavclahl, Josh - Lincoln	ASUN - UNL Student Government
Twist, Steven J. - Washington, DC	National Rifle Association
Vickers, Tom - Lincoln	Common Cause/Nebraska (Withdrawn 12/31/93)
	Nebraska Historical Society (Withdrawn 05/31/93)
Waldron, J. James - Lincoln (Withdrawn 06/16/93)	Louis Johnson
Wells, Cara E. Potter - Omaha	Kelley & Lehan, P.C.
Wickless, J. Matt - Lincoln	United We Stand America-Nebraska
Wright, Norman H. - Omaha	IBM Corporation
	Multistate Associates on Behalf of Pet Food Institute of Washington, D.C.
Wylie, William M. - Elgin	State Farm Insurance
Yost, Kurt T.- Lincoln	Nebraska Check Cashing Association

MESSAGES FROM THE GOVERNOR

December 1, 1993

Madam President, Senator Hall,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Board of Public Roads Classifications and Standards, which require legislative approval.

APPOINTEES:
Gene R. Acklie
William Lindholm
Arthur B. Yonkey
Leslie K. Chaffin

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

January 4, 1994

Madam President, Senator Hall
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

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

APPOINTEE:
Dr. Michael P. Cullen

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

January 4, 1994

Madam President, Senator Hall
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Boiler Safety Code Advisory Board, subject to legislative approval.

APPOINTEE:
John P. Hillebrandt

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

NATURAL RESOURCES DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1993 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lower Big Blue Natural Resources District	
Everson, Wullschleger, Sutter,	
Korslund, and Willet	1,942.50

REPORTS

Received annual report from the Nebraska Railway Council in accordance with the requirements of Neb. Rev. Stat. 74-1415.01.

Received annual report from the Nebraska Department of Economic Development as required in Nebraska Statutes 81-120.11.

MOTION - Escort Governor

Mr. Elmer moved that a committee of five be appointed to escort the Governor of the Sate of Nebraska to the Legislative Chamber to deliver his State of the State and Budget Address.

The motion prevailed.

The Chair appointed Messrs. Cudaback, Wesely, Preister, Ashford, and Mrs. Hillman to serve on said committee.

The committee returned and escorted Governor Ben Nelson to the rostrum where he delivered the following State of the State and Budget Address.

STATE OF THE STATE/BUDGET ADDRESS

MADAME PRESIDENT, MR. SPEAKER, MEMBERS OF THE LEGISLATURE, MY FELLOW NEBRASKANS:

OUR VERY EXISTENCE AS A STATE IS ROOTED IN PIONEER SPIRIT: THE DETERMINATION AND VISION OF OUR FORBEARERS.

FROM THE NATIVE AMERICANS WHO CAME BEFORE US, WE LEARNED THAT CAREFUL STEWARDSHIP OF THE LAND IS ESSENTIAL TO OUR LONG- TERM SURVIVAL.

OUR ANCESTORS' VISION FOR A BETTER LIFE -- AND THE METTLE IT TOOK TO ACHIEVE AND SUSTAIN THAT LIFE -- SERVES AS A MODEL FOR US TODAY.

TIME AND TIME AGAIN, I HAVE SEEN OUR CITIZENS BLAZE NEW TRAILS INTO NEBRASKA'S FUTURE AND SETTLE INTO NEW AREAS OF PROSPERITY.

FROM FALLS CITY TO CHADRON, KIMBALL TO SOUTH SIOUX CITY AND EVERYWHERE IN BETWEEN, COMMUNITIES THROUGHOUT NEBRASKA ARE TAKING CONTROL OF THEIR FUTURE AND ACHIEVING SUCCESS.

WITH YOUR HELP, WE WILL CONTINUE TO HEAR SUCCESS STORIES FROM ACROSS OUR STATE.

GEORGE W. NORRIS HAD A VISION FOR THIS UNICAMERAL FORM OF GOVERNMENT: A VISION OF CITIZEN LEGISLATORS, GATHERING IN NON- PARTISAN COOPERATION, AND ELOQUENTLY DEBATING THE ISSUES TO REACH THE HIGHEST ACHIEVABLE GOAL: THE COMMON GOOD OF THE PEOPLE.

WE HAVE WORKED WELL TOGETHER -- THE LEGISLATURE AND THE EXECUTIVE BRANCH -- AND WE HAVE ACCOMPLISHED MUCH.

I LOOK FORWARD TO WORKING WITH YOU THIS SESSION AND AGAIN, TO ACCOMPLISH MUCH FOR THE BENEFIT OF OUR STATE.

OUR FISCAL HOUSE IS IN ORDER. REVENUES ARE COMING IN AHEAD OF PROJECTIONS. WE HAVE A SOLID BUDGET RESERVE. WE'VE SET PRIORITIES, AND CAN ACCOMPLISH OUR INITIATIVES WITHOUT A TAX INCREASE.

PRUDENT INVESTMENTS FOR THE FUTURE CAN BE MADE WITHIN THE PARAMETERS OF FISCAL RESPONSIBILITY.

WE HAVE MADE RESPONSIBLE DECISIONS.

**TOGETHER, WE STABILIZED THE PERSONAL PROPERTY TAX SYSTEM THAT THE COURTS THREW INTO CHAOS.

**WE CUT ONE HUNDRED MILLION DOLLARS FROM THE STATE BUDGET LAST YEAR.

**WE HAVE BEGUN TO BRING THE RISING COST OF MEDICAID -- THE HUNGRY GIANT OF OUR BUDGET -- UNDER CONTROL. I'M PROPOSING MORE CHANGES TO THE PROGRAM THIS SESSION.

IN ADDITION, WE'VE INCREASED STATE AID TO EDUCATION BY NEARLY SEVENTY-TWO MILLION DOLLARS SINCE I BECAME GOVERNOR.

NEXT FISCAL YEAR, THE STATE WILL GIVE NEARLY $399 MILLION DOLLARS TO SCHOOLS -- THAT'S PROPERTY TAX RELIEF. IN FACT, NEARLY SIXTY PERCENT OF THE STATE'S TAX DOLLARS ARE SENT BACK TO LOCAL GOVERNMENTS AND INDIVIDUALS IN THE FORM OF STATE AID.

WE SPEND ABOUT NINETEEN PERCENT OF OUR BUDGET ON HIGHER EDUCATION. STATE OPERATIONS ACCOUNT FOR ONLY TWENTY ONE AND A HALF PERCENT OF OUR TOTAL STATE

BUDGET. THE FACT IS: WE HAVE FEWER STATE EMPLOYEES TODAY THAN WE DID ONE YEAR AGO.

WE WEATHERED THE FISCAL STORMS -- AND OUR CITIZENS WEATHERED THE STORMS WROUGHT BY MOTHER NATURE.

INDEED, FLOODS, WIND AND HAIL WREAKED HAVOC IN THE STATE LAST YEAR. CROPS, HOMES AND LIVELIHOODS WERE WIPED OUT, BUT THE SPIRIT OF NEBRASKANS WAS NOT.

DESPITE THE SETBACKS, WE ARE BLAZING NEW TRAILS OF PROSPERITY AT HOME AND ABROAD. AND NEBRASKA AGRICULTURE IS LEADING THE WAY.

FROM OUR FARMERS AND RANCHERS, TO THE MEAT PROCESSORS AND AG RESEARCHERS, EACH PERSON INVOLVED IN NEBRASKA AGRICULTURE IS A PIONEER OF INNOVATION, EFFICIENCY AND QUALITY.

PRODUCTION AGRICULTURE IS THE CORNERSTONE OF OUR STATE'S ECONOMY. BUT IN TODAY'S GLOBAL MARKETPLACE, IT'S NOT ENOUGH TO JUST PRODUCE QUALITY GOODS. OUR TRADE MISSIONS HELP TO ENSURE A MARKET FOR THOSE GOODS. THEREIN LIES THE FUTURE PROSPERITY OF NEBRASKA AGRICULTURE:

**AN ISRAELI BUYING TEAM RECENTLY ORDERED MORE THAN TWENTY TONS OF NEBRASKA BEEF, AND MORE ORDERS ARE ON THE WAY;

**JAPAN'S TWO LARGEST GROCERY CHAINS NOW BUY NEBRASKA BEEF. AND WHILE JAPAN'S OVERALL BEEF IMPORTS HAVE BEEN DOWN FIFTEEN PERCENT, ITS IMPORTS OF NEBRASKA BEEF ARE UP THREE HUNDRED PERCENT; ALSO

**WE ARE NOW SELLING NEBRASKA BEEF TO TAIWAN, ALSO

**OUR LATEST MISSION TO CHINA, HONG KONG AND TAIWAN SHOWED HUGE MARKET POTENTIAL, AND GREAT PROSPECTS FOR FUTURE SUCCESS.

WHILE WE CAN'T CONTROL THE WEATHER OR THE PRICES, WE CAN AND ARE EXPLORING -- AND TAKING ADVANTAGE OF -- THE EXPANDING MARKETS FOR ALL NEBRASKA PRODUCTS.

AT HOME, WE CONTINUE TO WORK TOWARD NEW MARKETS FOR ETHANOL.

A RECENT DECISION BY THE FEDERAL GOVERNMENT TO REQUIRE THAT THIRTY PERCENT OF SMOG-REDUCING GASOLINE CONTAIN RENEWABLE FUELS, MEANS THERE WILL BE A GREATER DEMAND FOR AG PRODUCTS -- AND NEBRASKA STANDS READY TO BENEFIT.

WE HAVE NEARLY ONE HALF BILLION DOLLARS OF ETHANOL PLANT CONSTRUCTION IN THE WORKS. AND BY 1998, NEBRASKA WILL BE ONE OF THE TOP TWO ETHANOL PRODUCING STATES IN THE NATION.

OUR GOAL IS HIGHER PRICES FOR CORN AND MORE JOBS FOR NEBRASKANS.

I SEE A STABLE AND PROSPEROUS FUTURE FOR NEBRASKA. OUR FUTURE IS DEPENDENT UPON THE STABILITY AND PROSPERITY OF OUR RURAL COMMUNITIES.

IN 1990, I IDENTIFIED RURAL NEBRASKA AS A PRIORITY. I PLEDGED TO DO WHAT I COULD TO ENSURE THAT RURAL NEBRASKANS WERE AFFORDED EVERY OPPORTUNITY TO PROSPER.

THREE YEARS LATER, DUE TO THE HARD WORK, LEADERSHIP AND VISION OF THE RURAL DEVELOPMENT COMMISSION AND OUR LOCAL CITIZENS, RURAL NEBRASKA IS SHOWING CONSISTENT AND INCREASING LEVELS OF ECONOMIC VITALITY, GROWTH AND ENTREPRENEURSHIP.

FOR THE FIRST TIME IN DECADE, NEBRASKA IS SEEING "RE-POPULATION" INSTEAD OF "DE-POPULATION". GROWTH IS REPLACING DECLINE.

WE HAVE COME A LONG WAY IN ECONOMIC DEVELOPMENT, BUT WE MUST DO MORE.

I HAVE CHALLENGED THE RURAL DEVELOPMENT COMMISSION AND OUR RURAL PARTNERS TO CREATE A VISIONARY DEVELOPMENT AGENDA FOR THE YEAR 2000 AND BEYOND.

WE MUST WORK TODAY TO ENSURE THAT EVERY COMMUNITY -- BOTH RURAL AND URBAN -- HAS A STRONG DEVELOPMENT AGENDA.

TOGETHER, WE HAVE GIVEN COMMUNITIES NEW TOOLS:

**THE ENTERPRISE ZONE ACT WILL GIVE ECONOMICALLY CHALLENGED AREAS ANOTHER TOOL TO REVITALIZE AND REINVEST IN THEIR COMMUNITIES AND NEIGHBORHOODS.

**WE ARE ALSO CONVENING "EXPO '94" LATER THIS YEAR. THIS WILL PROVIDE TRAINING, NETWORKING, MARKETING AND SALES OPPORTUNITIES TO ENCOURAGE ENTREPRENEURSHIP AMONG WOMEN AND MINORITIES.

**WE ARE ASSERTING NEBRASKA'S PRESENCE IN THE GLOBAL ECONOMY THROUGH THE NEBRASKA INDUSTRIAL COMPETITIVENESS ALLIANCE.

**ON APRIL 6th, WE PLAN AN INTERNATIONAL TRADE CONFERENCE, BRINGING TOGETHER BUSINESSES-- BOTH BIG AND SMALL -- TO SHARE THEIR EXPERTISE ON HOW TO TAKE ADVANTAGE OF MORE INTERNATIONAL TRADE OPPORTUNITIES.

YES, OUR ECONOMY IS STRONG. YES, WE CONTINUE TO BOAST ONE OF THE LOWEST UNEMPLOYMENT RATES IN THE NATION.

BUT, WE MUST CONTINUE TO CREATE JOBS AND STRENGTHEN NEBRASKA'S ECONOMIC POSITION AS A LOCAL PRODUCER AND A WORLD PROVIDER.

THIS ADMINISTRATION WILL CONTINUE TO AGGRESSIVELY RECRUIT BUSINESSES OF ALL SIZES TO THE STATE OF NEBRASKA. AND WE WILL ASSIST NEW BUSINESSES TO START HERE, AND ALL BUSINESSES TO GROW HERE AND PROSPER HERE.

OUR STATE AND OUR PEOPLE HAVE A GREAT DEAL TO OFFER.

TOGETHER, WE CAN BUILD A BETTER NEBRASKA.

TOGETHER, STATE GOVERNMENT AND LOCAL COMMUNITIES CAN CONTINUE TO WORK AS PARTNERS TO ENHANCE OUR POSITIVE, ECONOMIC ENVIRONMENT.

WE HAVE ENHANCED OUR ABILITY TO ATTRACT BUSINESS, INDUSTRY AND PEOPLE TO THE STATE:

**WE FIXED THE PERSONAL PROPERTY TAX PROBLEM;
**WE SLOWED THE GROWTH OF STATE GOVERNMENT;
**WE HAVE HELD THE LINE ON THE BUDGET;
**WE REFORMED OUR WORKERS COMPENSATION SYSTEM;
**WE'VE SUPPORTED EDUCATION;
**WE'VE SUPPORTED THE ENVIRONMENT;
**WE CUT INCOME TAXES FOR FOUR HUNDRED THOUSAND NEBRASKANS; AND, MOST IMPORTANTLY
**WE ENCOURAGE AND WE SUPPORT LOCAL INITIATIVES AND GRASS-ROOTS LEADERSHIP.

MY FELLOW NEBRASKANS, WE HAVE ACCOMPLISHED MANY GOOD THINGS FOR OUR STATE. BUT WE MUST DO MORE.

THE PROSPERITY OF NEBRASKA IS ROOTED IN SOME VERY SIMPLE AND STRAIGHTFORWARD VALUES. THEY ARE THE MEASURE OF OUR ABILITY TO GROW AND PROSPER IN A SECURE SOCIETY.

THE HEALTH, SAFETY AND WELL-BEING OF ALL NEBRASKANS MUST BE PROMOTED IN ALL OF OUR LEGISLATIVE EFFORTS.

THERE ARE FEW "STAND ALONE" ISSUES ANYMORE. THE THREADS OF CRIMINAL JUSTICE, HEALTH CARE REFORM, WELFARE REFORM, ECONOMIC DEVELOPMENT, JOB-TRAINING AND EDUCATION -- AND HOW WE PAY FOR THEM -- ARE WOVEN TOGETHER.

THEREFORE, WE MUST ADDRESS THESE -- NOT AS ISSUES OF SPECIAL INTEREST OR PARTISAN POLITICS -- BUT AS ISSUES THAT IMPACT ALL NEBRASKANS RIGHT NOW.

THESE ISSUES WILL NOT GET SIMPLER THE LONGER WE WAIT.

WE CAN NOT SPEAK OF THE FUTURE IN ABSTRACT TERMS. THE FUTURE IS NOW; THE FUTURE IS ALL AROUND US. OUR FUTURE -- NEBRASKA'S FUTURE IS -- IN NO UNCERTAIN TERMS -- OUR CHILDREN.

WE MUST ASK OURSELVES: "WHAT CAN WE DO FOR OUR CHILDREN TODAY TO MAKE A BETTER TOMORROW?"

**TOGETHER -- AS CITIZENS AND LAWMAKERS -- WE MUST DO MORE TO KEEP OUR STREETS SAFE FROM CRIME;
**TOGETHER, WE MUST PREVENT THE LOSS OF OUR YOUTH TO SENSELESS KILLING;
**TOGETHER, WE WILL STOP THE RISING TIDE OF CRIME.

THE GOVERNOR'S CONFERENCE ON VIOLENCE AND YOUTH BROUGHT US TOGETHER TO COMBAT CRIME:

**WE ARE WORKING WITH COMMUNITIES TO DEVELOP AND IMPLEMENT IMMEDIATE PREVENTION PROGRAMS;

**I FORMED THE GOVERNOR'S YOUTH ADVISORY COUNCIL TO GIVE YOUNG PEOPLE A VOICE; AND

**OUR COMMITMENT TO FINDING SOLUTIONS HAS BEEN NATIONALLY RECOGNIZED -- NEBRASKA HAS BEEN SINGLED OUT FOR OUR EFFORTS. AT THE INVITATION OF ATTORNEY GENERAL, JANET RENO, NEBRASKA WAS THE FIRST STATE CHOSEN TO TAKE PART IN A SPECIAL PROJECT TO FIND INNOVATIVE AND COMPREHENSIVE SOLUTIONS TO THE PROBLEM OF YOUTH VIOLENCE.

OUR WILLINGNESS TO TACKLE THIS PROBLEM TOGETHER HAS THRUST NEBRASKA -- IN A LEADERSHIP ROLE -- IN THE CRUSADE AGAINST YOUTH VIOLENCE.

STILL, WE MUST DO MORE. THE MODEL ON WHICH OUR CURRENT JUVENILE JUSTICE SYSTEM IS BASED IS COMPLETELY OUTDATED. IT HAS FEW IF ANY MECHANISMS TO HANDLE THE CRIMES WE'RE WITNESSING TODAY.

I BELIEVE THAT THE THREE-PRONGED APPROACH OF DETENTION, PREVENTION AND INTERVENTION IS THE BEST COURSE OF ACTION:

**BY DETAINING THE MOST DANGEROUS "YOUTHFUL OFFENDERS" IN A NEW SECURE CONFINEMENT FACILITY;

**BY CREATING A "BOOT CAMP" FOR NON-VIOLENT OFFENDERS;

**BY PREVENTING GANG ACTIVITY, INCREASING CRIMINAL SANCTIONS, GETTING GUNS OUT OF OUR SCHOOLS; AND

**BY INTERVENING, TO REBUILD THE SELF-ESTEEM AND DIRECTION OF OUR YOUNG PEOPLE WHO ARE AT RISK. BUT WE MUST DO MORE.

WE'VE MOVED FROM WORRYING ABOUT OUR KIDS COMING HOME ON TIME, TO WORRYING ABOUT THEM MAKING IT HOME ALIVE.

WE'VE MOVED FROM WORRYING ABOUT THEIR GRADES, TO WORRYING ABOUT GUNS AT THEIR SCHOOL.

WHEN YOUR TWELVE YEAR OLD IS NOT SAFE RIDING HIS BIKE ON A NEIGHBORHOOD STREET...IT'S TIME TO CHANGE THE RULES.

THE PEOPLE SAY IT'S TIME -- AND WE KNOW IT'S TIME -- WE MUST PUT TEETH IN OUR JUVENILE JUSTICE SYSTEM AND INSTILL HOPE IN THE FUTURE OF YOUNG NEBRASKANS.

OUR COMMITMENT DOES NOT END WITH WORDS. IT'S A COMMITMENT OF STATE RESOURCES THAT ALLOWS US TO LEVERAGE FEDERAL DOLLARS.

THAT'S WHY I PUT ADEQUATE MONEY IN MY BUDGET TO COMBAT YOUTH VIOLENCE -- WE MUST STOP THE INSANITY.

I WANT TO PARTICULARLY THANK SENATOR JOHN LINDSAY, SENATOR DAVID BERNARD-STEVENS, AND ALL THE SENATORS WHOSE WORK, INPUT AND SUPPORT MADE THIS PACKAGE POSSIBLE. YOUR BI-PARTISAN SUPPORT IS ESSENTIAL.

WE MUST WORK HARDER TO FIGHT CRIME.

IT'S NOT ENOUGH TO TALK TOUGH. THE CITIZENS OF NEBRASKA WANT THEIR ELECTED OFFICIALS TO WORK TOGETHER, TO CREATE A CRIMINAL JUSTICE SYSTEM THAT:

**PUNISHES CRIMINALS;
**PROTECTS CITIZENS; AND
**PROVIDES LAW ENFORCEMENT OFFICIALS WITH THE TOOLS THEY NEED TO DO THEIR JOB.

IN THE LAST THREE YEARS:
**WE HAVE ADDED 436 BEDS IN THE DEPARTMENT OF CORRECTIONS;
**DRUG ARRESTS HAVE MORE THAN DOUBLED;
**THE STATE PATROL HAS SEIZED ONE HUNDRED AND TWENTY TWO MILLION DOLLARS WORTH OF DRUGS FROM OUR STREETS;
**THEY SEIZED ONE-AND-A-HALF MILLION DOLLARS IN CASH FROM DRUG CRIMINALS -- MORE THAN TWENTY-SEVEN TIMES THE AMOUNT SEIZED FROM 1987 THROUGH 1990;
**OUR TOUGH STAND ON DRUNK DRIVERS EARNED US FEDERAL DOLLARS FOR IN-CAR VIDEO CAMERAS TO FURTHER ASSIST LAW ENFORCEMENT OFFICERS; AND
**WE ADDED TWO NEW JUDGES TO DOUGLAS COUNTY TO EXPEDITE THE PROSECUTION OF CRIMINALS.

BUT, WE MUST DO MORE.

CRIMINALS, DRUG DEALERS AND THOSE WHO ARE CORRUPTING THE YOUNG PEOPLE OF THIS STATE WILL BE APPREHENDED, PROSECUTED, AND SENT TO JAIL.

WE'RE SENDING A MESSAGE: IF YOU COMMIT A CRIME, YOU WILL DO TIME.

WE MUST GIVE OUR POLICE BETTER TOOLS:

**AN AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM;
**D.N.A. TESTING;
**A STATE PATROL STRIKE FORCE; AND
**GRANTS FOR LOCAL LAW ENFORCEMENT.

I PUT ENOUGH RESOURCES IN THE BUDGET TO FUND THESE INITIATIVES -- AND WE DON'T HAVE TO RAISE TAXES TO DO IT.

WE ALL AGREE THAT CHANGES ARE NEEDED. LET'S WORK HARD -- AND WORK TOGETHER -- TO PUT VIOLENT CRIMINALS WHERE THEY BELONG - - OFF THE STREETS AND BEHIND BARS.

MANY NEBRASKANS ARE FORTUNATE TO ENJOY THE PROSPERITY THAT CAN BE ACHIEVED IN OUR GREAT STATE.

FOR OTHERS, HOWEVER, CIRCUMSTANCES CAUSE THEM TO TURN TO PUBLIC ASSISTANCE AND SUPPORT.

BUT MANY OF THE CURRENT WELFARE PROGRAMS ARE MODELS OF CONFUSION AND INEFFICIENCY.

THE SYSTEM ITSELF HAS BECOME A TRAP -- AN ENDLESS CYCLE OF SHATTERED HOPES AND MISSED OPPORTUNITIES FOR A BETTER LIFE. WHAT STARTED AS A SAFETY NET HAS BECOME A SPIDER WEB.

TODAY, I AM PROPOSING A WELFARE SYSTEM THAT PROMOTES SELF- SUFFICIENCY AND INDEPENDENCE -- A SYSTEM THAT'S A HAND UP, NOT A HAND OUT.

WITH THE HELP OF THE WELFARE REFORM TASK FORCE AND ITS CHAIRMAN, BOB ARMSTRONG, WE HAVE CREATED A NEW AND SIMPLIFIED APPROACH TO WELFARE ASSISTANCE WITH TWO TRACKS:

**TEMPORARY ASSISTANCE AND TRANSITION TO SELF-SUFFICIENCY; AND

**ONGOING ASSISTANCE AND SUPPORT.

WELFARE IS NOT -- AND WAS NEVER INTENDED TO BE -- A WAY OF LIFE.

WE NEED OUR CITIZENS OUT IN THE WORK FORCE WITH SKILLS AND TALENTS THAT BENEFIT THEMSELVES AND ALL OF SOCIETY.

WE NEED THEM WORKING IN JOBS THAT GIVE THEM A LIVING WAGE TO SUPPORT THEMSELVES AND THEIR FAMILIES.

MOST OF ALL, THOSE WHO CAN WORK -- SHOULD WORK. WE NEED TO SIMPLIFY THE PROCEDURES FOR ESTABLISHING PATERNITY, ORDERS FOR CHILD AND MEDICAL SUPPORT, AND WE NEED TO INCREASE COLLECTIONS OF CHILD SUPPORT.

LET'S BREAK THE CYCLE OF POVERTY BY FIXING THE WELFARE SYSTEM.

EFFICIENCY IS A TOP PRIORITY -- IN GOVERNMENT, OUR WELFARE SYSTEM, IN LAW ENFORCEMENT -- AND IN OUR HEALTH CARE INDUSTRY AS WELL.

WHILE WE'RE WAITING FOR GRIDLOCK IN WASHINGTON TO SUBSIDE, I'M PROPOSING SEVERAL HEALTH CARE REFORM INITIATIVES THAT WILL INCREASE EFFICIENCY, IMPROVE THE QUALITY OF CARE, INCREASE ACCESS AND MAKE HEALTH CARE MORE AFFORDABLE FOR ALL NEBRASKANS.

I PROPOSE:

**THE USE OF A STANDARDIZED CLAIM FORM;

**THE IMMUNIZATION OF ALL NEBRASKA CHILDREN THROUGH AGE FIVE;

**INCENTIVES TO INCREASE THE SUPPLY AND RETENTION OF HEALTH PROFESSIONALS IN RURAL AREAS;

**GROUP HEALTH INSURANCE REFORM FOR SMALL EMPLOYERS, TO ENHANCE THE PORTABILITY OF COVERAGE FROM ONE EMPLOYER TO THE NEXT;

**THE REPEAL OF ANTI-GROUP STATUTES TO ALLOW NEBRASKANS -- SUCH AS FARMERS AND RANCHERS -- TO PURCHASE COVERAGE AT GROUP RATES;

**BETTER HEALTH CARE DATA TO ENCOURAGE COST-CONSCIOUS BEHAVIOR AND IMPROVE THE QUALITY OF CARE; AND

**STRENGTHENING OUR REPORTING AND DISCIPLINARY PROGRAM FOR DOCTORS AND OTHER HEALTH PROFESSIONALS.

I URGE YOU TO SERIOUSLY CONSIDER THESE INITIATIVES. I WILL WORK CLOSELY WITH YOU THROUGHOUT THIS SESSION TO HELP MAKE THESE INITIATIVES REALITY.

I PLEDGE TO KEEP A VIGIL ON WASHINGTON'S EFFORTS TOWARD NATIONAL HEALTH CARE REFORM. WE MUST NOT HAVE

A "ONE-SIZE-FITS-ALL" PACKAGE THAT DOES NOT SERVE THE BEST INTEREST OF ALL NEBRASKANS.

HEALTH CARE AFFECTS US ALL. LETS WORK TOGETHER TO AFFECT CHANGE FOR THE BETTER -- FOR ALL NEBRASKANS.

THREE YEARS AGO, I MADE A PLEDGE WHEN I ASSUMED THE OFFICE OF GOVERNOR: TO BRING SPENDING UNDER CONTROL.

TOGETHER, WE HAVE WORKED DILIGENTLY TO PUT THE BRAKES ON STATE SPENDING, BUT THE FEDERAL GOVERNMENT'S ACCELERATOR IS CAUSING US TO DIVERT RESOURCES FROM WORTHWHILE PROGRAMS IN ORDER TO KEEP UP WITH MANDATES.

CONGRESS AND THE FEDERAL BUREAUCRACY CONTINUE TO IMPOSE A MULTITUDE OF MANDATES THAT MAKE LITTLE SENSE TO THOSE OF US OUTSIDE THE WASHINGTON BELTWAY.

IN TIMES OF TIGHT BUDGETS AND INCREASING DEMANDS FOR SERVICES, MANDATED PROGRAMS SIGNIFICANTLY HAMPER THE ABILITY OF STATE AND LOCAL GOVERNMENTS TO MEET THE EXPECTATIONS OF OUR CITIZENS.

I HAVE A SIMPLE MESSAGE FOR WASHINGTON: STOP THE MADNESS!

WE'RE DOING JUST THAT AT THE STATE LEVEL. LAST WEEK, I SIGNED AN EXECUTIVE ORDER REQUIRING STATE AGENCIES TO WORK CLOSELY WITH LOCAL GOVERNMENTS IN REDUCING AND STREAMLINING MANDATE REQUIREMENTS.

I HAVE CLEARLY INSTRUCTED AGENCY DIRECTORS NOT TO ISSUE RULES AND REGULATIONS THAT EXCEED THE AUTHORITY GRANTED BY STATE OR FEDERAL LAW. I URGE THE LEGISLATURE TO TAKE SIMILAR APPROPRIATE ACTION.

GOVERNMENT AT ALL LEVELS HAS A RESPONSIBILITY TO PROTECT AND SERVE THE PUBLIC INTEREST.

WE HAVE DEFERRED MORE THAN $200 MILLION DOLLARS IN REPAIRS TO OUR STATE BUILDINGS AND INFRASTRUCTURE.

THIS SAVES MONEY IN THE SHORT TERM, BUT MANY OF THESE REPAIRS ARE NEEDED TO KEEP PUBLIC BUILDINGS SAFE AND ACCESSIBLE.

NOW WE ARE FACED WITH MOUNTING REQUIREMENTS FOR REPAIRS AND RENOVATIONS, ELECTRICAL UPGRADES, AND DESIGN MODIFICATIONS TO MEET THE STANDARDS OF THE AMERICANS WITH DISABILITIES ACT.

I PROPOSE TO ADDRESS THIS NEED -- IN PART -- BY ADDING $2 MILLION DOLLARS IN NEW FUNDS TO THE 309 TASK FORCE BUDGET FOR FISCAL YEAR 1995/96.

THE MONEY I'M PROPOSING WILL COME FROM FUNDING EXCESSES IN CURRENT PROJECTS, AND CURRENTLY AVAILABLE CIGARETTE TAX FUNDS. NO CIGARETTE TAX INCREASE WILL BE REQUIRED.

I'VE MORE THAN DOUBLED THE DEPARTMENT OF ECONOMIC DEVELOPMENT'S JOB TRAINING FUND.

THIS WILL MAKE NEARLY ONE MILLION DOLLARS AVAILABLE TO HELP BUSINESSES PROVIDE SPECIALIZED TRAINING FOR NEBRASKA EMPLOYEES. A HIGHLY SKILLED LABOR FORCE WILL ATTRACT AND RETAIN BUSINESS ENTERPRISES.

WE CAN MAKE THESE INVESTMENTS BECAUSE OF TWO LARGE REDUCTIONS TO THE STATE BUDGET RESULTING FROM SAVINGS TO THE STATE'S HEALTH INSURANCE PROGRAM.

IN THE CURRENT FISCAL YEAR, WE ARE REDUCING THE GENERAL FUND APPROPRIATION FOR ALL STATE AGENCIES AS A RESULT OF A CHANGE IN HEALTH INSURANCE PAYMENT DATES.

FOR YEARS, THE STATE HAS PAID THE HEALTH INSURANCE PREMIUMS OF STATE EMPLOYEES FOR AN EXTRA MONTH AFTER THEY LEFT STATE EMPLOYMENT.

THE PAYMENT PROCEDURE WAS CHANGED LAST JULY, RESULTING IN A GENERAL FUND SAVINGS OF TWO MILLION DOLLARS.

IN ADDITION, THE TRUST FUND THAT COLLECTS STATE CONTRIBUTIONS HAS A SUFFICIENT BALANCE ALLOWING ME TO RECOMMEND NO INCREASES TO THE HEALTH INSURANCE PROGRAM FOR THE NEXT FISCAL YEAR.

THIS MEANS NEARLY A THREE MILLION DOLLAR SAVINGS FOR THE NEXT FISCAL YEAR.

STATE EMPLOYEES WILL NOT HAVE AN INCREASE IN THEIR HEALTH INSURANCE PREMIUMS NEXT YEAR.

THIS COMES AT A TIME WHEN STATE EMPLOYEES HAVE SACRIFICED SALARY INCREASES DUE TO BUDGET CUTBACKS.

I WANT TO THANK OUR STATE EMPLOYEES FOR HELPING US THROUGH TIGHT BUDGET TIMES.

AMONG OTHER INITIATIVES, I SUPPORT REPEAL OF THE FERTILIZER FEE.

REMOVING THIS FEE WILL REDUCE THE PRODUCTION COSTS FOR FARMERS AND RANCHERS.

ALSO, THE STATE'S HOMESTEAD EXEMPTION PROGRAM SHOULD BE ADJUSTED. WE MUST REDUCE THE "CLIFF EFFECT" FOR THOSE NEBRASKANS WHO ARE TRULY IN NEED OF THIS PROPERTY TAX RELIEF. AND WE MUST INCREASE THE MINIMUM INCOME GUIDELINES.

THIS YEAR'S BUDGET WILL BE LEAN. IT TAKES A FISCALLY RESPONSIBLE APPROACH FOR THE INITIATIVES I'M PROPOSING -- AND THEY WON'T REQUIRE ANY TYPE OF TAX INCREASE OR NEW TAX.

NEBRASKANS ARE PROUD AND PERSISTENT PEOPLE. OUR HOPE FOR THE FUTURE RESTS IN OUR ABILITY TO WEATHER THE STORMS AND MOVE AHEAD. IN 1993, WE WEATHERED MANY STORMS.

I WANT TO COMMEND EVERYONE WHO HELPED OUR FELLOW NEBRASKANS AND OUR MID-WESTERN NEIGHBORS DURING LAST YEAR'S DISASTERS. THERE ARE COUNTLESS STORIES OF INDIVIDUAL BRAVERY AND SACRIFICE ALL THROUGH THIS STATE.

YOUR ACTIONS ARE STERLING EXAMPLES OF COURAGE IN THE FACE OF ADVERSITY. IT SHOWS OUR CAPABILITY TO COME TOGETHER AS ONE NEBRASKA.

THERE IS ONE INDIVIDUAL WHOSE LEADERSHIP AND EXPERTISE WAS INVALUABLE DURING THE FLOODS AND STORMS. I'D LIKE TO THANK ADJUTANT GENERAL STAN HENG FOR HIS SERVICE TO THE PEOPLE OF NEBRASKA.

AS I TOURED SOME OF THE DISASTER AREAS WITH THE GENERAL LAST YEAR, I HEARD MANY OF THE VICTIMS TALK ABOUT THE FUTURE. THAT'S A DIFFICULT THING TO DO WHEN YOU SEE YOUR CROPS AND PROPERTY DESTROYED.

BUT IN MY CONVERSATIONS WITH THE PEOPLE, THERE WAS IN THEIR VOICES, WORDS OF HOPE, COURAGE, AND A POSITIVE VISION FOR THE TIMES AHEAD.

WE, AS PUBLIC SERVANTS, MUST DRAW UPON THE COURAGE, HOPE AND VISION OF THE NEBRASKANS WE SERVE.

THIS IS NOT THE FIRST, NOR WILL IT BE THE LAST SESSION WHERE DIFFICULT ISSUES WILL BE DEBATED, AND WHERE TOUGH DECISIONS WILL HAVE TO BE MADE.

WE MUST HAVE THE VISION, THE COURAGE, AND DETERMINATION TO BE PIONEERS INTO THE 21st CENTURY. LET US BLAZE A NEW TRAIL. LET US EMBARK WITH CONFIDENCE.

THANK YOU.

The committee escorted Governor Nelson from the Chamber.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 913 through 947 and legislative resolutions 282, 284, and 285CA.

LB	Committee
913	Business and Labor
914	Education
915	Natural Resources
916	Natural Resources
917	Revenue
918	Transportation
919	Transportation
920	Judiciary
921	Judiciary
922	Government, Military and Veterans Affairs
923	Education
924	Revenue
925	Government, Military and Veterans Affairs
926	Transportation
927	Judiciary
928	Judiciary
929	Transportation
930	Education
931	Revenue
932	General Affairs

933 Agriculture
934 Agriculture
935 Agriculture
936 Judiciary
937 Revenue
938 Revenue
939 Revenue
940 Natural Resources
941 Natural Resources
942 Banking, Commerce and Insurance
943 Transportation
944 Government, Military and Veterans Affairs
945 Revenue
946 Health and Human Services
947 Government, Military and Veterans Affairs

LR Committee
282 Government, Military and Veterans Affairs
284 Natural Resources
285CA Revenue

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 281, LR 283, LR 286, and LR 287.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 991. Introduced by Speaker Withem, 14, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1991, LB 847, sections 20 and 21, as amended by sections 47 and 48, respectively, Legislative Bill 1, Ninety-second Legislature, Third Special Session, 1992; Laws 1992, LB 1022, section 77, as amended by section 71, Legislative Bill 1, Ninety-second Legislature, Third Special Session, 1992; Laws 1993, LB 105A, section 1; Laws 1993, LB 138A, section 2; Laws 1993, LB 305A, section 1; Laws 1993, LB 326, sections 7, 8, and 97; Laws 1993, LB 327, sections 6 to 12 and 15 to 18; Laws 1993, LB 329, sections 11, 13, 16, 34, 35, and 38; Laws 1993, LB 330, section 44; Laws 1993, LB 348A, section 3; Laws 1993, LB 520A, section 4; Laws 1993, LB 541, sections 7 to 10, 13 to

17, 20 to 22, 24, 26, 28, 33, 36, 40 to 42, 46, 50, 51, 58 to 63, 65, 73, 77, 79, 84, 86, 90 to 95, 97 to 99, 101, 104, 106, 107, 108, 110 to 114, 116, 117, 120 to 124, 126, 128, 130 to 133, 135, 138 to 140, 145, 147, 148, 152, 154, 155, 160, 161, 169, 170, 173, 176, 180 to 186, 188, 190 to 192, 195, 197 to 205, 208 to 210, 212, 213, 215, 216, 218, 220, 221, 225 to 227, 229, and 246; Laws 1993, LB 588A, section 2; and Laws 1993, LB 627A, section 1; to define terms; to change appropriations as prescribed; to provide for deficit appropriations; to appropriate funds for the expenses of state government, postsecondary education, capital construction, and state aid; to transfer funds; to repeal the original sections, and also Laws 1993, LB 325A, sections 1 to 111 and 114 to 174; and Laws 1993, LB 832A, section 1; and to declare an emergency.

LEGISLATIVE BILL 992. Introduced by Landis, 46.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-157.01, Revised Statutes Supplement, 1993; to prohibit surcharges or fees for electronic funds transfers effected at automatic teller machines or point-of-sale terminals as prescribed; and to repeal the original section.

LEGISLATIVE BILL 993. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to the Security, Privacy, and Dissemination of Criminal History Information Act; to amend sections 29-209, 29-3501 to 29-3503, 29-3508, 29-3512, 29-3516, 29-3518, 29-3524 to 29-3528, and 81-1423, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to fingerprints; to define and redefine terms; to change provisions relating to reporting under the act; to establish the Nebraska Crime Information System; to provide duties for the system, the Nebraska State Patrol, the Superintendent of Law Enforcement and Public Safety, courts, and correctional facilities; to provide for and change provisions relating to fees; to provide for and change provisions relating to rules and regulations; to provide for and eliminate duties of the Nebraska Commission on Law Enforcement and Criminal Justice; to change provisions relating to penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 994. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-27,147, Revised Statutes Supplement, 1992, and section 77-2703, Revised Statutes Supplement, 1993; to change provisions relating to collection of tax on leases and rentals of motor vehicles; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 995. Introduced by Schellpeper, 18; Bohlke, 33; Bromm, 23; Janssen, 15; McKenzie, 34; Rasmussen, 20.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-547.04, Reissue Revised Statutes of Nebraska, 1943, and section 79-434, Revised Statutes Supplement, 1993; to provide for building levies for affiliated school systems as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 996. Introduced by Withem, 14; Avery, 3; Hartnett, 45; Pedersen, 39; Preister, 5.

A BILL FOR AN ACT relating to judges; to amend section 43-2,119, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the number of judges of the separate juvenile court to be appointed; and to repeal the original section.

LEGISLATIVE BILL 997. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 38; Haberman, 44; Hartnett, 45; Hudkins, 21; Robinson, 16.

A BILL FOR AN ACT relating to libraries; to amend sections 19-1301 and 39-1522, Reissue Revised Statutes of Nebraska, 1943, sections 17-967 and 19-1302, Revised Statutes Supplement, 1992, and sections 13-501, 13-503, 13-2202, and 84-304, Revised Statutes Supplement, 1993; to provide for public libraries, district public libraries, and public library federations; to define terms; to provide for boards, tax levies, funds, basic public library services, and reports; to provide powers and duties; to eliminate provisions relating to municipal, county, and regional libraries; to provide for the sale and conveyance of certain donated real estate; to harmonize provisions; and to repeal the original sections, and also sections 51-202 to 51-210, 51-213 to 51-215, 51-217 to 51-219, 51-301 to 51-305, 51-307 to 51-315, and 51-317 to 51-319, Reissue Revised Statutes of Nebraska, 1943, sections 51-201, 51-201.01, 51-211, 51-212, and 51-316, Revised Statutes Supplement, 1992, and section 51-216, Revised Statutes Supplement, 1993.

LEGISLATIVE BILL 998. Introduced by Witek, 31.

A BILL FOR AN ACT relating to schools; to amend section 79-4,140.16, Revised Statutes Supplement, 1993; to prohibit requiring learner-outcome-based educational methodologies as a prerequisite to approval, accreditation, financial aid, or teacher certification; and to repeal the original section.

LEGISLATIVE BILL 999. Introduced by Witek, 31.

A BILL FOR AN ACT relating to schools; to amend sections 79-4,140.16 and 79-3369, Revised Statutes Supplement, 1993; to

prohibit requiring learner-outcome-based educational methodologies as a prerequisite to approval, accreditation, financial aid, or teacher certification; to eliminate the Nebraska Schools Accountability Commission and a cash fund; to harmonize provisions; and to repeal the original sections, and also sections 79-4,234 to 79-4,239, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 1000. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to public health and welfare; to amend section 33-110, Reissue Revised Statutes of Nebraska, 1943, and section 42-901, Revised Statutes Supplement, 1992; to change fees for proceedings related to marriage licenses; to create a fund; to provide for reimbursement for certain programs and services related to domestic violence and sexual assault; to harmonize provisions; and to repeal the original sections.

SPEAKER WITHEM PRESIDING

MOTION - Adopt Permanent Rules

Mr. Beutler renewed the pending motion, found in the Journal on page 216, to adopt the permanent rules.

The Rules Committee renewed their pending proposed rules change, found in the Journal starting on page 182, relating to Election Contest and Qualifications Challenges, as amended by the Beutler amendment, found in the Journal on page 227.

The Rules Committee pending proposed rules change, as amended, was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

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

The Rules Committee renewed their proposed rules change, found in the Journal starting on page 185, relating to Disciplinary Proceedings.

Mr. Chambers asked unanimous consent to obtain leave of the Legislature to speak more than three times on this proposed rule, without having to offer amendments, pursuant to Rule 2, Section 10. No objections. So ordered.

Messrs. Preister, Moore, and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Will moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Chambers requested a roll call vote on the Rules Committee proposed rules change.

Voting in the affirmative, 21:

Beutler	Fisher	Jones	Vrtiska	Wickersham
Bohlke	Hartnett	Kristensen	Warner	Will
Bromm	Hillman	McKenzie	Wehrbein	Witek
Cudaback	Janssen	Pedersen	Wesely	Withem
Engel				

Voting in the negative, 20:

Ashford	Chambers	Hall	Lynch	Rasmussen
Avery	Coordsen	Hudkins	Matzke	Robinson
Bernard-Stevens	Dierks	Landis	Monen	Schimek
Byars	Elmer	Lindsay	Pirsch	Schmitt

Present and not voting, 4:

Day	Haberman	Robak	Schellpeper

Excused and not voting, 4:

Abboud	Crosby	Moore	Preister

The Rules Committee proposed rules change lost with 21 ayes, 20 nays, 4 present and not voting, and 4 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1001. Introduced by Dierks, 40; Schellpeper, 18.

A BILL FOR AN ACT relating to counties; to amend section 23-362, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to payments to certain counties containing land held by the United States for the benefit of Indians; and to repeal the original section.

LEGISLATIVE BILL 1002. Introduced by Pedersen, 39; Avery, 3; Beutler, 28; Bromm, 23; Janssen, 15; Robinson, 16; Wehrbein, 2; Withem, 14.

A BILL FOR AN ACT relating to water service; to adopt the Water Service Regulation Act; to provide operative dates; and to declare an emergency.

LEGISLATIVE BILL 1003. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to campaign committees; to amend section 49-1446.01, Revised Statutes Supplement, 1992, and section 32-1610, Revised Statutes Supplement, 1993; to adopt the Candidate Campaign Committee Income Tax Act; to provide funds for the Campaign Finance Limitation Act; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1004. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Secretary of State; to amend sections 28-1440, 33-101, 33-102, 33-133, 64-104, and 67-293, Reissue Revised Statutes of Nebraska, 1943; to change fees payable to the Secretary of State; to change notary public fees; to change the distribution of certain fees; to create a fund; to change a fund name; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1005. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to accountants; to amend section 1-109, Reissue Revised Statutes of Nebraska, 1943; to provide for an executive director of the Nebraska State Board of Public Accountancy; to provide powers and duties; and to repeal the original section.

LEGISLATIVE BILL 1006. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Department of Administrative Services; to create a fund for employee training as prescribed; and to declare an emergency.

LEGISLATIVE BILL 1007. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend sections 14-1722, 23-250.01, 23-1614, 46-585, 46-586, 46-587, 47-102, and 72-417, Reissue Revised Statutes of Nebraska, 1943, sections 14-2145, 14-2146, and 79-3815, Revised Statutes Supplement, 1992, and section 29-752, Revised Statutes Supplement, 1993; to change and eliminate certain powers and duties of the Auditor of Public Accounts as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1008. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to counties; to amend section 23-1611, Reissue Revised Statutes of Nebraska, 1943; to allow counties to use an alternate accounting system as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1009. Introduced by Landis, 46.

A BILL FOR AN ACT relating to accountants; to amend section 1-111, Reissue Revised Statutes of Nebraska, 1943, and section 1-148, Revised Statutes Supplement, 1993; to provide for the imposition of legal fees and costs as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1010. Introduced by Schimek, 27; Hartnett, 45.

A BILL FOR AN ACT relating to judicial nominating commissions; to amend section 24-805, Reissue Revised Statutes of Nebraska, 1943, and section 24-803, Revised Statutes Supplement, 1992; to change provisions relating to nomination of judges of the county court; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1011. Introduced by Ashford, 6; Rasmussen, 20; Wesely, 26; Will, 8.

A BILL FOR AN ACT relating to handguns; to amend section 69-2404, Revised Statutes Supplement, 1992; to require a handgun safety training certificate in order to obtain a certificate to purchase a handgun; and to repeal the original section.

LEGISLATIVE BILL 1012. Introduced by Ashford, 6; Crosby, 29; Wesely, 26; Will, 8.

A BILL FOR AN ACT relating to firearms; to amend section 28-101, Revised Statutes Supplement, 1992; to require firearms to be stored securely as prescribed; to require a notice and warning upon the sale, trade, or transfer of a firearm; to define terms; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1013. Introduced by Ashford, 6; Will, 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1201 and 28-1204, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1992; to define a term; to prohibit a person from allowing a minor to possess a handgun as prescribed; to change and provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1014. Introduced by Monen, 4.

A BILL FOR AN ACT relating to health care; to amend section 71-5866, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the decision procedure for a certificate of need; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1015. Introduced by Witek, 31.

A BILL FOR AN ACT relating to bank deposits and collections; to amend section 4-104, Uniform Commercial Code; to redefine the term "banking day"; and to repeal the original section.

LEGISLATIVE BILL 1016. Introduced by McKenzie, 34; Byars, 30; Day, 19; Robinson, 16.

A BILL FOR AN ACT relating to the dispensing of drugs in certain care institutions; to define terms; to provide for emergency box drugs in certain care institutions as prescribed; to provide for inspections; and to provide powers and duties for the Board of Examiners in Pharmacy.

LEGISLATIVE BILL 1017. Introduced by McKenzie, 34; Moore, 24.

A BILL FOR AN ACT relating to ground water management plans; to amend section 46-673.14, Revised Statutes Supplement, 1993; to change a provisions relating to amendment of a plan; and to repeal the original section.

LEGISLATIVE BILL 1018. Introduced by Ashford, 6; Schimek, 27; Will, 8.

A BILL FOR AN ACT relating to firearms; to adopt the Gun-Free School Zone Act; and to provide penalties.

LEGISLATIVE BILL 1019. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to cities of the first and second classes; to amend sections 16-238 and 17-121, Revised Statutes Supplement, 1993; to change provisions relating to the composition of the board of health; and to repeal the original sections.

LEGISLATIVE BILL 1020. Introduced by Landis, 46.

A BILL FOR AN ACT relating to interest; to amend sections 14-517, 14-535, 14-536, 14-537, 14-549, 15-271, 15-734, 15-821, 16-606, 16-622, 16-652, 16-664, 16-666, 16-669, 16-672.07, 16-672.09, 16-6,105, 17-515, 17-920, 17-923, 17-974, 19-2404, 19-2418, 19-3316, 31-711.05, 31-753, 39-1615, 77-207, 77-1249.01, 77-1318, 77-1718,

77-1780, 77-1809, 77-1859, and 77-2010, Reissue Revised Statutes of Nebraska, 1943, sections 18-406, 39-1647, 48-125, 77-687, 77-1233.04, 77-1233.05, 77-1824, and 77-1917, Revised Statutes Supplement, 1992, and section 45-104.02, Revised Statutes Supplement, 1993; to change the rate of interest on certain delinquent taxes and assessments and bonds; to harmonize provisions; and to repeal the original sections, and also section 45-104.01, Revised Statutes Supplement, 1993.

LEGISLATIVE BILL 1021. Introduced by Withem, 14.

A BILL FOR AN ACT relating to Class VI school districts; to amend section 79-102.01, Revised Statutes Supplement, 1992; to eliminate limitations on formation; and to repeal the original section.

LEGISLATIVE BILL 1022. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Solid Waste Landfill Closure Assistance Fund; to amend sections 81-15,177 and 81-15,178, Revised Statutes Supplement, 1992; to define a term; to change provisions relating to the receipt of funds and state aid; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1023. Introduced by Schellpeper, 18; Cudaback, 36; Fisher, 35; Jones, 43.

A BILL FOR AN ACT relating to crime; to amend sections 28-1201, 28-1204, 28-1206, 29-2222, and 43-2,105, Reissue Revised Statutes of Nebraska, 1943, sections 28-101 and 43-2,129, Revised Statutes Supplement, 1992, and section 29-2221, Revised Statutes Supplement, 1993; to define terms; to provide penalties; to provide for the offense of providing a juvenile to possess a revolver; to provide for certain juvenile adjudications to be counted as felonies for certain offenses; to provide for judgments for costs and fines against juveniles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1024. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to parole; to amend section 83-1,111, Reissue Revised Statutes of Nebraska, 1943; to change procedures related to review of a committed offender's record; and to repeal the original section.

LEGISLATIVE BILL 1025. Introduced by Pirsch, 10; Hall, 7.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-702, Reissue Revised Statutes of Nebraska, 1943; to require the fingerprints and a criminal background check of all fire department applicants as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1026. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to courts; to amend sections 45-601 and 45-623, Revised Statutes Supplement, 1993; to authorize use of the state computer network to track and collect court costs and fines; to change provisions relating to use of collection agencies; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1027. Introduced by Hartnett, 45; Engel, 17; Janssen, 15; Pedersen, 39; Robinson, 16; Wickersham, 49.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1712, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the sponsorship of the fire training school; and to repeal the original section.

LEGISLATIVE BILL 1028. Introduced by Day, 19.

A BILL FOR AN ACT relating to nurse midwifery; to amend section 71-1753, Revised Statutes Supplement, 1993; to eliminate the restriction on home delivery; and to repeal the original section.

LEGISLATIVE BILL 1029. Introduced by Rasmussen, 20; Hall, 7.

A BILL FOR AN ACT relating to grandparent visitation; to amend section 43-1802, Reissue Revised Statutes of Nebraska, 1943; to provide additional conditions under which visitation may be sought; and to repeal the original section.

LEGISLATIVE BILL 1030. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Nebraska Chemigation Act; to amend sections 46-1101, 46-1103, 46-1111, 46-1116, 46-1117, 46-1121, 46-1123, 46-1128, 46-1129.01, 46-1131, 46-1136, 46-1137, 46-1143, and 46-1147, Reissue Revised Statutes of Nebraska, 1943, and sections 46-1124, 46-1126, and 46-1138, Revised Statutes Supplement, 1992; to define and redefine terms; to provide for the regulation and inspection of chemigation containers and storage facilities; to change provisions relating to the application of chemicals; to change provisions relating to fees; to provide powers and duties for the Environmental Quality Council and the Director of Environmental Quality; to provide for an affirmative defense in a civil action as prescribed; to harmonize provisions; to provide for severability; to repeal the original sections; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 293CA. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Hartnett, 45; Hudkins, 21; Robinson, 16; Will, 8.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article III, section 24:

III-24 "(1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for other purposes as directed by the Legislature. No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees ~~within a licensed racetrack enclosure~~ at such locations and by such means as are authorized by the Legislature or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to remove the restriction that wagering on the result of horseraces be conducted within a licensed racetrack enclosure and authorize such wagering to be conducted at such locations and by such means as are authorized by the Legislature.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 294. Introduced by Kristensen, 37.

WHEREAS, the Axtell Wildkittens won the Class D-1 state volleyball championship with their victory over previously unbeaten and top-ranked Humphrey St. Francis in the championship match; and

WHEREAS, the championship victory crowned a 22-3 season; and

WHEREAS, the team's discipline, spirit, and sportsmanship during the season and tournament were admirable.

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

1. That the Legislature congratulates the Axtell Wildkittens volleyball team and their coach, Brad Nelson.

2. That a copy of this resolution be sent to the Axtell High School for its volleyball team and coach.

Laid over.

NOTICE OF COMMITTEE HEARING
Agriculture

LB 933	Tuesday, January 18, 1994	1:30 p.m.
LB 934	Tuesday, January 18, 1994	1:30 p.m.
LB 882	Tuesday, January 18, 1994	1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

MESSAGE FROM THE SECRETARY OF STATE

January 10, 1994

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

Dear Madam President and Senators:

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

> Stanley A. Matzke, Jr., Lincoln, Nebraska, to the Nebraska Accountability and Disclosure Commission to a six year term ending June 30, 1999.

This Appointment was made by me pursuant to the provisions of Sections 49-14,105, 49-14,110, 49-14,112 and 49-14,114 and is respectfully submitted for your consideration.

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

XC: Accountability and Disclosure
Senator DiAnna Schimek

ANNOUNCEMENT

Mr. Landis designates LR 2CA as his priority resolution.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LR 2CA in the Journal. No objections. So ordered.

AM2697

1. On page 1, line 17, after "contract" insert ", but an otherwise binding arbitration agreement entered into before the controversy arose shall be unenforceable with respect to (1) a claim arising out of a personal injury based on contract or tort and (2) a claim of an insured or beneficiary under any insurance policy or annuity contract".

2. On page 2, line 5, after "resolution" insert "and to provide that certain arbitration agreements shall be unenforceable".

UNANIMOUS CONSENT - Add Cointroducer

Mr. Dierks asked unanimous consent to have his name added as cointroducer to LB 972. No objections. So ordered.

Mrs. McKenzie asked unanimous consent to have her name added as cointroducer to LB 905. No objections. So ordered.

ADJOURNMENT

At 12:13 p.m., on a motion by Mrs. Rasmussen, the Legislature adjourned until 9:00 a.m., Tuesday, January 11, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTH DAY - JANUARY 11, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 11, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

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

ROLL CALL

The roll was called and all members were present except Messrs. Byars, Dierks, and Mrs. Crosby who were excused; and Messrs. Abboud, Avery, Beutler, Haberman, Hall, Janssen, Kristensen, Lindsay, Pedersen, Robinson, Schellpeper, Warner, Will, Mmes. Pirsch, Rasmussen, Mses. Day, and Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourth day was approved.

MOTION - Adopt Temporary Rules

Mr. Bromm moved that the Rules, as now in our possession, be adopted for today only, Tuesday, January 11, 1994.

The motion prevailed.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 948 through 990 and Governor appointments.

LB	Committee
948	Government, Military and Veterans Affairs

949 Natural Resources
950 Agriculture
951 Judiciary
952 Judiciary
953 Natural Resources
954 Education
955 Judiciary
956 Banking, Commerce and Insurance
957 Banking, Commerce and Insurance
958 Natural Resources
959 Revenue
960 Revenue
961 Revenue
962 Natural Resources
963 Natural Resources
964 Transportation
965 Judiciary
966 Health and Human Services
967 Banking, Commerce and Insurance
968 Judiciary
969 Judiciary
970 Government, Military and Veterans Affairs
971 Government, Military and Veterans Affairs
972 Revenue
973 Health and Human Services
974 Banking, Commerce and Insurance
975 Natural Resources
976 Revenue
977 Revenue
978 Banking, Commerce and Insurance
979 Banking, Commerce and Insurance
980 Banking, Commerce and Insurance
981 Natural Resources
982 Transportation
983 Revenue
984 Revenue
985 Natural Resources
986 Natural Resources
987 Education
988 Judiciary
989 Education
990 Transportation

Acklie, Gene R. - Board of Public Roads Classifications & Standards -- Transportation

Chaffin, Leslie K. - Board of Public Roads Classifications & Standards -- Transportation

Cullen, Dr. Michael P. - State Board of Health -- Health and Human Services

Hillebrandt, John P. - Boiler Safety Code Advisory Board -- Business and Labor

Lindholm, William - Board of Public Roads Classifications & Standards -- Transportation

Yonkey, Arthur B. - Board of Public Roads Classifications & Standards -- Transportation

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

NOTICE OF COMMITTEE HEARING
Transportation

LB 872	Tuesday, January 18, 1994	1:30 p.m.
LB 895	Tuesday, January 18, 1994	1:30 p.m.
LB 918	Tuesday, January 18, 1994	1:30 p.m.
LB 964	Tuesday, January 18, 1994	1:30 p.m.

(Signed) Doug Kristensen, Chairperson

REPORTS

Received annual report from the Nebraska Commission on Law Enforcement and Criminal Justice.

Received report from the Nebraska Commission on Law Enforcement and Criminal Justice on the Crime Victim's Reparations Program and Victims of Crime Act (VOCA).

NATURAL RESOURCES DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1993 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Middle Republican Natural Resources District	
Schroeder Law Office	90.00

MOTION - Adopt Permanent Rules

Mr. Bromm renewed the pending motions, found in the Journal on pages 216 and 251, to adopt the permanent rules.

The Rules Committee renewed their proposed rules change, found in the Journal on page 189, to Rule 7, new section.

Mr. Moore offered the following amendment to the pending proposed rules change:

After the first sentence insert the following

"Any motion to declare specific amendments and or motions to be obstructive pursuant to this rule shall only include the specific motions and/or amendments offered or sponsored by one member

Mr. Moore requested a record vote on his amendment.

Voting in the affirmative, 19:

Ashford	Elmer	Hudkins	Robinson	Warner
Beutler	Engel	Jones	Schellpeper	Wehrbein
Coordsen	Hartnett	Moore	Schmitt	Witek
Day	Hillman	Pirsch	Vrtiska	

Voting in the negative, 16:

Bernard-Stevens	Chambers	Matzke	Pedersen	Schimek
	Cudaback	McKenzie	Preister	Will
Bohlke	Fisher	Monen	Rasmussen	Withem
Bromm	Landis			

Present and not voting, 4:

Lynch	Robak	Wesely	Wickersham

Excused and not voting, 10:

Abboud	Byars	Dierks	Hall	Kristensen
Avery	Crosby	Haberman	Janssen	Lindsay

The Moore amendment lost with 19 ayes, 16 nays, 4 present and not voting, and 10 excused and not voting.

Mr. Chambers offered the following amendment to the pending proposed rules change:

Strike the final sentence.

Mr. Chambers withdrew his amendment.

Mrs. Witek requested a roll call vote on the proposed rules change.

Voting in the affirmative, 8:

Bromm	Engel	Fisher	Pirsch	Vrtiska

Will	Witek	Withem		

Voting in the negative, 28:

Ashford	Day	Landis	Moore	Schimek
Bernard-Stevens	Elmer	Lindsay	Pedersen	Schmitt
Chambers	Hartnett	Lynch	Preister	Warner
Coordsen	Hillman	Matzke	Rasmussen	Wehrbein
Cudaback	Hudkins	McKenzie	Robak	Wesely
	Kristensen	Monen	Schellpeper	

Present and not voting, 5:

Beutler	Bohlke	Jones	Robinson	Wickersham

Excused and not voting, 8:

Abboud	Byars	Dierks	Hall	Janssen
Avery	Crosby	Haberman		

The Rules Committee proposed rules change lost with 8 ayes, 28 nays, 5 present and not voting, and 8 excused and not voting.

Mr. Chambers requested a record vote on the adoption of the permanent rules, as amended.

Voting in the affirmative, 36:

Ashford	Day	Landis	Preister	Warner
Bernard-Stevens	Elmer	Lindsay	Rasmussen	Wehrbein
Beutler	Engel	Lynch	Robak	Wesely
Bohlke	Fisher	Matzke	Schellpeper	Wickersham
Bromm	Hartnett	McKenzie	Schimek	Will
Coordsen	Hillman	Monen	Schmitt	Witek
Cudaback	Hudkins	Pirsch	Vrtiska	Withem
	Kristensen			

Voting in the negative, 1:

Chambers

Present and not voting, 4:

Jones	Moore	Pedersen	Robinson

Excused and not voting, 8:

Abboud	Byars	Dierks	Hall	Janssen
Avery	Crosby	Haberman		

The motion to adopted permanent rules, as amended, prevailed with 36 ayes, 1 nay, 4 present and not voting, and 8 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1031. Introduced by Matzke, 47.

A BILL FOR AN ACT relating to hazardous waste management; to amend section 81-1505, Revised Statutes Supplement, 1993; to change provisions relating to the fee schedule; and to repeal the original section.

LEGISLATIVE BILL 1032. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-118, Reissue Revised Statutes of Nebraska, 1943, and sections 75-136 and 75-136.01, Revised Statutes Supplement, 1992; to provide civil penalties for railroads and rail carriers; to provide for a hearing and collection of a penalty; and to repeal the original sections.

LEGISLATIVE BILL 1033. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to sales and income tax; to amend section 77-2704.12, Revised Statutes Supplement, 1993; to provide an exemption from sales and use taxes for certain purchases by veterans organizations; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1034. Introduced by Robinson, 16; Abboud, 12; Avery, 3; Bernard-Stevens, 42; Bohlke, 33; Bromm, 23; Byars, 30; Coordsen, 32; Crosby, 29; Cudaback, 36; Dierks, 40; Elmer, 38; Fisher, 35; Hall, 7; Hartnett, 45; Hillman, 48; Hudkins, 21; Janssen, 15; Jones, 43; Lynch, 13; McKenzie, 34; Moore, 24; Pedersen, 39; Pirsch, 10; Preister, 5; Rasmussen, 20; Robak, 22; Schellpeper, 18; Schimek, 27; Schmitt, 41; Vrtiska, 1; Wehrbein, 2; Will, 8; Witek, 31.

A BILL FOR AN ACT relating to solid waste recycling; to amend section 81-15,162, Revised Statutes Supplement, 1992, and sections 81-15,160, 81-15,161, 81-15,164, and 81-15,165, Revised Statutes Supplement, 1993; to name the Waste Reduction and Recycling Incentive Act; to state intent; to define terms; to provide for scrap tire reduction and recycling; to create a fund; to provide for permits and fees; to provide for grants and loans as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1035. Introduced by Rasmussen, 20.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-717, Reissue Revised Statutes of Nebraska, 1943, sections 28-101, 28-710, and 28-726, Revised Statutes Supplement, 1992, and section 28-714, Revised Statutes Supplement, 1993; to provide procedure relating to providing certain reports of neglected and abused children; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1036. Introduced by Rasmussen, 20.

A BILL FOR AN ACT relating to retirement; to amend section 79-1522, Revised Statutes Supplement, 1992; to provide credit for leaves of absence relating to maternity; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1037. Introduced by Rasmussen, 20.

A BILL FOR AN ACT relating to education; to amend section 79-445, Revised Statutes Supplement, 1993; to change provisions relating to payment of certain education costs for state wards as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1038. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3220, Reissue Revised Statutes of Nebraska, 1943; to eliminate a requirement to publish a list of expenditures; to require the list to be available for public inspection; and to repeal the original section.

LEGISLATIVE BILL 1039. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to recreational trails; to amend section 37-1503, Revised Statutes Supplement, 1992; to authorize user fees for recreational trails as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1040. Introduced by Robinson, 16.

A BILL FOR AN ACT relating to highways; to amend section 39-1353, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to construction contract proposal forms; and to repeal the original section.

LEGISLATIVE BILL 1041. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to parking; to amend section 18-1736, Reissue Revised Statutes of Nebraska, 1943; to eliminate a provision

relating to the display of handicapped parking permits; and to repeal the original section.

LEGISLATIVE BILL 1042. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to corporations; to amend sections 21-329, 21-1301, 21-2103, 21-2105, 21-2110, 21-2115, 21-2203, 21-2204, 21-2439, 30-3214, 44-3312, 44-3812, and 67-248.02, Reissue Revised Statutes of Nebraska, 1943, sections 44-205.01, 44-206, 44-208.02, 44-224.01, 44-224.04, 44-301, 44-2128, 44-2916, and 44-3112, Revised Statutes Supplement, 1992, and sections 9-614, 23-3586.01, and 44-32,115, Revised Statutes Supplement, 1993; to adopt the Business Corporation Act; to eliminate the Nebraska Business Corporation Act; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections, and also sections 21-2001 to 21-2003, 21-2005 to 21-2012, 21-2014 to 21-2026, 21-2028, 21-2031 to 21-2035, 21-2037 to 21-2051, 21-2053 to 21-20,138, and 21-20,140 to 21-20,147, Reissue Revised Statutes of Nebraska, 1943, and sections 21-2004, 21-2027, 21-2029, 21-2030, 21-2036, 21-2052, and 21-20,139, Revised Statutes Supplement, 1993.

LEGISLATIVE BILL 1043. Introduced by Landis, 46.

A BILL FOR AN ACT relating to administrative agencies; to amend sections 84-909, 84-911, and 84-920, Reissue Revised Statutes of Nebraska, 1943; to adopt the Negotiated Rulemaking Act; to harmonize provisions; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 846. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 847. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 848. Title read. Considered.

Advanced to E & R for review with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 849. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 850. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 851. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 852. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 853. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 854. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 855. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 856. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 857. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 858. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 859. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 248. Considered.

Mr. Lynch withdrew his pending amendment, AM1778, found in the Journal on page 1889, First Session, 1993.

Mr. Lynch renewed his pending amendment, AM2040, found in the Journal on page 2174, First Session, 1993.

MR. HALL PRESIDING

The Lynch amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Lynch and Ms. Schimek offered the following amendment:
AM2696

1. Insert the following new sections:

"Sec. 7. The surety bond shall not be released until the contractor has made payment of all taxes, including contributions due under the unemployment compensation insurance system, penalties, interest, and related fees, which may accrue to the State of Nebraska or its political subdivisions on account of the execution and performance of the contract.

Sec. 8. Prior to releasing a surety bond, the commissioner shall notify the Department of Revenue, the job training program of the department, and any other applicable state agency or division of the intent to release the surety bond. The commissioner shall provide ten days for the filing of objections to the release of the surety bond.".

2. In the Standing Committee amendments, AM0335, in line 9 strike "19" and insert "21"; and in line 10 strike "7" and insert "10".

3. Renumber the remaining sections accordingly.

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

The Lynch-Schimek amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Lynch moved for a call of the house. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Advanced to E & R for review with 26 ayes, 6 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 248A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 2 nays, 13 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

LB 876	Tuesday, January 18, 1994	1:30 p.m.
LB 877	Tuesday, January 18, 1994	1:30 p.m.
LB 878	Tuesday, January 18, 1994	1:30 p.m.
LB 884	Tuesday, January 18, 1994	1:30 p.m.
LB 978	Tuesday, January 18, 1994	1:30 p.m.

(Signed) David Landis, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1044. Introduced by Vrtiska, 1; Bromm, 23; Engel, 17; Hartnett, 45.

A BILL FOR AN ACT relating to emergency telephone communications systems; to amend sections 86-1003 and 86-1007, Revised Statutes Supplement, 1992; to change provisions relating to a surcharge; to provide for notices and a hearing as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1045. Introduced by Warner, 25.

A BILL FOR AN ACT relating to job training; to provide for an appropriation.

LEGISLATIVE BILL 1046. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to community colleges; to amend section 85-1507, Revised Statutes Supplement, 1993; to change

provisions relating to voting on board actions; and to repeal the original section.

LEGISLATIVE BILL 1047. Introduced by Wickersham, 49; Moore, 24.

A BILL FOR AN ACT relating to the State Employees Retirement Act; to amend sections 84-1311 and 84-1331, Revised Statutes Supplement, 1992; to change provisions relating to employer accounts; to create a fund and provide for its use; to maintain purchasing power of retirement benefits as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1048. Introduced by Will, 8.

A BILL FOR AN ACT relating to unclaimed property; to amend sections 69-1305, 69-1310, 69-1316, 69-1317, and 69-1329, Revised Statutes Supplement, 1993; to eliminate and change provisions relating to abandoned stock or other intangible ownership interests; to provide when certain property is deemed abandoned; to define terms; to provide for aggregate reporting of de minimus amounts to the State Treasurer; to change provisions relating to the sale of abandoned property by the State Treasurer as prescribed; to provide for confidentiality of records; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1049. Introduced by Will, 8.

A BILL FOR AN ACT relating to unclaimed property; to amend section 69-1317, Revised Statutes Supplement, 1993; to change provisions relating to confidentiality of records; and to repeal the original section.

LEGISLATIVE BILL 1050. Introduced by Ashford, 6; Beutler, 28; Bromm, 23; Coordsen, 32; Day, 19; Elmer, 38; Engel, 17; Fisher, 35; Haberman, 44; Hall, 7; Hartnett, 45; Hillman, 48; Hudkins, 21; Jones, 43; Matzke, 47; McKenzie, 34; Monen, 4; Moore, 24; Pedersen, 39; Preister, 5; Rasmussen, 20; Robinson, 16; Schellpeper, 18; Vrtiska, 1; Wehrbein, 2; Wesely, 26; Will, 8; Witek, 31.

A BILL FOR AN ACT relating to income tax refunds; to amend section 77-2701, Revised Statutes Supplement, 1993; to create a refund designation program for the Cornhusker State Games and the United States Olympic Committee; to create a fund; to provide duties for the Tax Commissioner and the State Treasurer; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1051. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1011, Reissue Revised Statutes of Nebraska, 1943, and section 25-1516, Revised Statutes Supplement, 1993; to change provisions relating to preparation of forms; to harmonize provisions; and to repeal the original sections.

VISITOR

Visitor to the Chamber was Dr. Dennis Smith from Irvine, California.

RECESS

At 11:59 a.m., on a motion by Mr. Engel, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Byars, Dierks, and Mrs. Crosby who were excused; and Messrs. Avery, Bromm, Chambers, Hall, Hartnett, Landis, Warner, Wickersham, Mmes. McKenzie, and Pirsch who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 991 through 1030 and legislative resolution 293CA.

LB	Committee
991	Appropriations
992	Banking, Commerce and Insurance
993	Judiciary
994	Revenue
995	Education
996	Judiciary
997	General Affairs
998	Education
999	Education
1000	Health and Human Services
1001	Government, Military and Veterans Affairs
1002	Natural Resources
1003	Revenue
1004	Government, Military and Veterans Affairs
1005	Government, Military and Veterans Affairs
1006	Appropriations

1007	Government, Military and Veterans Affairs
1008	Government, Military and Veterans Affairs
1009	Banking, Commerce and Insurance
1010	Judiciary
1011	Judiciary
1012	Judiciary
1013	Judiciary
1014	Health and Human Services
1015	Banking, Commerce and Insurance
1016	Health and Human Services
1017	Natural Resources
1018	Judiciary
1019	Urban Affairs
1020	Revenue
1021	Education
1022	Natural Resources
1023	Judiciary
1024	Judiciary
1025	Urban Affairs
1026	Judiciary
1027	Urban Affairs
1028	Health and Human Services
1029	Judiciary
1030	Natural Resources

LR	**Committee**
293CA	General Affairs

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

GENERAL FILE

LEGISLATIVE BILL 262. Title read.

Mr. Abboud asked unanimous consent to pass over LB 262. No objections. So ordered.

LEGISLATIVE BILL 737. Title read. Considered.

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

Standing Committee amendment, AM0748, found in the Journal on page 1109, First Session, 1993, was adopted with 25 ayes, 4 nays, 7 present and not voting, and 13 excused and not voting.

Mr. Beutler moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Advanced to E & R for review with 25 ayes, 5 nays, 8 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 754. Title read. Considered.

Advanced to E & R for review with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 754A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 254. Title read. Considered.

Standing Committee amendment, AM1186, found in the Journal on page 1298, First Session, 1993, was considered.

Mr. Kristensen renewed his pending amendment, AM2284, found in the Journal on page 2835, First Session, 1993, to the Standing Committee amendment.

The Kristensen amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

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

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 381. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 480. Title read. Considered.

Standing Committee amendment, AM0637, found in the Journal on page 936, First Session, 1993, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Beutler renewed his pending amendment, AM1889, printed separately from the Journal and referred to on page 2367, First Session, 1993.

The Beutler amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 501. Title read. Considered.

Standing Committee amendment, AM0270, found in the Journal on page 647, First Session, 1993, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 511. Title read. Considered.

Standing Committee amendment, AM0967, printed separately from the Journal and referred to on page 1169, First Session, 1993, was considered.

Mr. Will renewed his pending amendment, AM1758, found in the Journal on page 1813, First Session, 1993, to the Standing Committee amendment.

Mr. Will withdrew his amendment.

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

MS. SCHIMEK PRESIDING

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

Advanced to E & R for review with 29 ayes, 8 nays, 7 present and not voting, and 5 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1052. Introduced by Hartnett, 45; Avery, 3; Withem, 14.

A BILL FOR AN ACT relating to judges; to amend section 24-301.02, Revised Statutes Supplement, 1993; to increase the number of judges in the second district court judicial district; and to repeal the original section.

LEGISLATIVE BILL 1053. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to the State Boat Act; to amend section 37-1211, Reissue Revised Statutes of Nebraska, 1943, and section 37-1214, Revised Statutes Supplement, 1993; to provide an exemption from the numbering requirement; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1054. Introduced by Robak, 22; Hillman, 48; Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Revised Statutes Supplement, 1993; to state intent; to define a term; to provide penalties for speeding and passing in a school-crossing zone as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1055. Introduced by Schimek, 27; Bohlke, 33; Bromm, 23; Hudkins, 21; Lindsay, 9; Rasmussen, 20; Wesely, 26.

A BILL FOR AN ACT relating to schools; to amend section 79-4,140.17, Revised Statutes Supplement, 1992; to state intent; to change provisions relating to the requirements for health education in public schools; and to repeal the original section.

LEGISLATIVE BILL 1056. Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Bromm, 23; Chambers, 11; Preister, 5; Schimek, 27; Vrtiska, 1.

A BILL FOR AN ACT relating to workers' compensation; to adopt the Private Employers Workers' Compensation Group Self-Insurance Act.

LEGISLATIVE BILL 1057. Introduced by Withem, 14; Kristensen, 37.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-194.03, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to a limit on importation of liquor as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1058. Introduced by Wickersham, 49; Elmer, 38; Jones, 43; Schmitt, 41.

A BILL FOR AN ACT relating to brand inspection areas; to amend section 54-143, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to cattle owners who operate both inside and outside the brand inspection area; to restate present law; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1059. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Day, 19; Fisher, 35; Matzke, 47; Pedersen, 39; Pirsch, 10; Schmitt, 41.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,298, Revised Statutes Supplement, 1993; to authorize local authorities to issue certain special permits; and to repeal the original section.

LEGISLATIVE BILL 1060. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Day, 19; Fisher, 35; Matzke, 47; Pedersen, 39; Pirsch, 10; Schmitt, 41.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-363 and 75-364, Revised Statutes Supplement, 1993; to change provisions relating to federal safety and hazardous material regulations; and to repeal the original sections.

LEGISLATIVE BILL 1061. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Day, 19; Fisher, 35; Pedersen, 39; Pirsch, 10; Schmitt, 41.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-507, Reissue Revised Statutes of Nebraska, 1943, sections 60-311, 60-311.03, 60-311.04, 60-311.08, 60-311.09, and 60-482, Revised Statutes Supplement, 1992, and sections 60-324, 60-4,100, and 60-4,184, Revised Statutes Supplement, 1993; to change provisions relating to the issuance of certain license plates; to change and eliminate fees as prescribed; to provide powers and duties for the Department of Motor Vehicles for the issuance of such plates; to eliminate the Motor Vehicle Operator's License Act rules and regulations advisory committee; to change notice provisions relating to suspension or revocation of an operator's license and hearings; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1062. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Day, 19; Fisher, 35; Matzke, 47; Pedersen, 39; Pirsch, 10; Schmitt, 41.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 44-3521, Revised Statutes Supplement, 1992, and sections 60-301, 60-302, 60-315, 66-482, 66-602, 77-1238, 77-2702.09, 77-2703, and 77-4103, Revised Statutes Supplement, 1993; to define and redefine terms; to change and eliminate registration requirements as prescribed; to provide a burden of proof for the owner or operator of a motor vehicle; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1063. Introduced by Warner, 25.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-963, 85-1414, and 85-1417, Revised Statutes Supplement, 1992, and sections 85-1413 and 85-1416, Revised Statutes Supplement, 1993; to change provisions relating to the comprehensive state plan, program review, and budget and state aid requests; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1064. Introduced by Preister, 5; Robinson, 16.

A BILL FOR AN ACT relating to smoking; to state intent; to prohibit smoking in state facilities as prescribed; and to provide assistance to employees.

LEGISLATIVE BILL 1065. Introduced by Janssen, 15; Bohlke, 33; Bromm, 23; Engel, 17; Jones, 43; Lynch, 13; Robinson, 16; Schellpeper, 18; Schmitt, 41; Wickersham, 49.

A BILL FOR AN ACT relating to ambulances; to amend section 71-5108, Revised Statutes Supplement, 1992; to change restrictions on licensure of emergency medical technician-A/D services; and to repeal the original section.

ANNOUNCEMENT

Mr. Robinson designates LB 1034 as his priority bill.

NOTICE OF COMMITTEE HEARINGS

Urban Affairs

LB 1019	Tuesday, January 18, 1994	1:30 p.m.
LB 1025	Tuesday, January 18, 1994	1:30 p.m.
LB 1027	Tuesday, January 18, 1994	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

Education

LB 914	Tuesday, January 18, 1994	1:30 p.m.
LB 923	Tuesday, January 18, 1994	1:30 p.m.
LB 987	Tuesday, January 18, 1994	1:30 p.m.

Governor Appointment Tuesday, January 18, 1994 1:30 p.m.
Patrick Rogers - Educational Lands and Funds

LB 881	Monday, January 24, 1994	1:30 p.m.
LB 954	Monday, January 24, 1994	1:30 p.m.

Governor Appointments Monday, January 24, 1994 1:30 p.m.
Postsecondary Education Commission
Jane Renner Hood
Dick Davis
Sheila Griffin
Barbara Marcy

LB 989 Tuesday, January 25, 1994 1:30 p.m.

Governor Appointments Tuesday, February 8, 1994 1:30 p.m.
Nebraska Safety Center Advisory Council
Don Thompson
Sally Tremain
Harold Sobotka
Fernando Lecuono
Derald Kohles
Dr. Pearl Hansen
Randall Hergott
Richard Chaffin
Lt. James Pearson

(Signed) Ardyce Bohlke, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Lynch and Lindsay asked unanimous consent to print the following amendment to LB 665 in the Journal. No objections. So ordered.

AM2690

1. Strike the original sections and insert the following new sections:

"Section 1. The Legislature finds and declares that:

(1) It is the policy of the state that the constitutional rights of citizens and organizations to be involved and participate freely in the process of government must be encouraged and safeguarded with great diligence. The information, reports, opinions, claims, arguments, and other

expressions provided by citizens are vital to effective law enforcement, the operation of government, the making of public policy and decisions, and the continuation of representative democracy. The laws, courts, and other agencies of this state must provide the utmost protection for the free exercise of these petition, speech, and association rights;

(2) Civil actions for damages have been filed against citizens and organizations of this state as a result of the valid exercise of their constitutional rights to petition, speech, and association. There has been a disturbing increase in such strategic lawsuits against public participation in government;

(3) The threat of strategic lawsuits against public participation, personal liability, and burdensome litigation costs significantly chills and diminishes citizen participation in government, voluntary public service, and the exercise of these important constitutional rights. This abuse of the judicial process can and has been used as a means of intimidating, harassing, or punishing citizens and organizations for involving themselves in public affairs; and

(4) It is in the public interest and it is the purpose of sections 1 to 6 of this act to strike a balance between the rights of persons to file lawsuits for injury and the constitutional rights of persons to petition, speech, and association, to protect and encourage public participation in government to the maximum extent permitted by law, to establish an efficient process for identification and adjudication of strategic lawsuits against public participation, and to provide for attorney's fees and costs and actual damages.

Sec. 2. For purposes of sections 1 to 6 of this act:

(1) Action involving public petition and participation shall mean an action, claim, cross-claim, or counterclaim for damages that is brought by a public applicant or permittee and is materially related to any efforts of the defendant to report on, comment on, rule on, challenge, or oppose the application or permission;

(2) Communication shall mean any statement, claim, allegation in a proceeding, decision, protest, writing, argument, contention, or other expression;

(3) Government body shall mean a city, a village, a political subdivision, a state agency, the state, the federal government, or a public authority, board, or commission; and

(4) Public applicant or permittee shall mean any person who has applied for or obtained a permit, zoning change, lease, license, certificate, or other entitlement for use or permission to act from any government body or any person with an interest, connection, or affiliation with such

person that is materially related to such application or permission.

Sec. 3. (1) A defendant in an action involving public petition and participation may maintain an action, claim, cross-claim, or counterclaim to recover damages, including costs and attorney's fees, from any person who commenced or continued such action. Costs and attorney's fees may be recovered upon a demonstration that the action involving public petition and participation was commenced or continued without a substantial basis in fact and law and could not be supported by a substantial argument for the extension, modification, or reversal of existing law. Other compensatory damages may only be recovered upon an additional demonstration that the action involving public petition and participation was commenced or continued for the purpose of harassing, intimidating, punishing, or otherwise maliciously inhibiting the free exercise of petition, speech, or association rights.

(2) The right to bring an action under this section may be waived only if it is waived specifically.

(3) Nothing in this section shall affect or preclude the right of any party to any recovery otherwise authorized by common law or by statute, rule, or regulation.

Sec. 4. (1) In an action involving public petition and participation, damages, including costs and attorney's fees, may only be recovered if the plaintiff, in addition to all other necessary elements, has established by clear and convincing evidence that any communication which gives rise to the action was made with knowledge of its falsity or with reckless disregard of whether it was false, where the truth or falsity of such communication is material to the cause of action at issue.

(2) Nothing in this section shall be construed to limit any constitutional, statutory, or common law protections of defendants to actions involving public petition and participation.

Sec. 5. A motion to dismiss based on a failure to state a cause of action shall be granted when the moving party demonstrates that the action, claim, cross-claim, or counterclaim subject to the motion is an action involving public petition and participation unless the party responding to the motion demonstrates that the cause of action has a substantial basis in law or is supported by a substantial argument for an extension, modification, or reversal of existing law. The court shall expedite and grant preference in the hearing of such motion.

Sec. 6. A motion for summary judgment shall be granted when the moving party has demonstrated that the action, claim, cross-claim, or counterclaim subject to the

motion is an action involving public petition and participation unless the party responding to the motion demonstrates that the action, claim, cross-claim, or counterclaim has a substantial basis in fact and law or is supported by a substantial argument for an extension, modification, or reversal of existing law. The court shall grant preference in the hearing of such motion.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Messrs. Lindsay and Abboud asked unanimous consent to print the following amendment to LB 262 in the Journal. No objections. So ordered.

FA312

Amend Committee Amendment (AM0357) as follows:

1. On line 1 after "1" strike "and 2" and insert ", 2 and 3"

2. On lines 16 through 19 strike the remaining text and insert "Section 2. That original section 25-218 Revised Statutes Supplement 1992 is repealed."

UNANIMOUS CONSENT - Add Cointroducer

Mrs. McKenzie asked unanimous consent to have her name added as cointroducer to LB 511. No objections. So ordered.

ADJOURNMENT

At 3:59 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Wednesday, January 12, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTH DAY - JANUARY 12, 1994

LEGISLATIVE JOURNAL

SIXTH DAY - JANUARY 12, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 12, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

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

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Byars, Dierks, Hall, Lindsay, Lynch, Moore, Warner, Wesely, Will, Mrs. Bohlke, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifth day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 94003

DATE: January 10, 1994

SUBJECT: Constitutionality of Proposed Change to the Nebraska Waste Reduction and Recycling Act.

REQUESTED BY: Senator C.N. (Bud) Robinson
Nebraska State Legislature

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

You have inquired as to the constitutionality of a proposed amendment to the Nebraska Waste Reduction and Recycling Act to allow the State to make low-interest loans to both public and private entities for use in developing, constructing or purchasing equipment used for tire recycling. Specifically, you have inquired as to whether such an amendment would violate Neb. Const. Art. XIII, § 3, which prohibits the lending of the "credit of the state."

Discussion

A. The Waste Reduction and Recycling Act

The Nebraska Waste Reduction and Recycling Act ("the Act") is found at Neb. Rev. Stat. § 81-15,159 to 81-15,165 (Cum.Supp. 1992) (Supp. 1993). Currently, the Act establishes a Waste Reduction and Recycling Incentive Fund to be administered by the Department of Environmental Quality. The fund may be used for a variety of specified purposes such as assistance in creating recycling systems, recycling and waste reduction projects, capital assistance for establishing private and public intermediate processing facilities using recyclable materials in new products, and capital assistance for establishing private and public facilities to manufacture combustible waste products and to incinerate waste to generate and recover energy resources. Neb. Rev. Stat. § 81-15,160(2) (Supp. 1993). The Act currently provides for grants from the fund to a political subdivision or other entity or organization, public or private, which meets certain criteria when it is found that the proposed reduction or recycling program or project appears to benefit the general public. Neb. Rev. Stat. § 81-15,161 (Supp. 1993).

The proposed amendment would involve making low-interest loans to public and private entities for use in developing, constructing or purchasing equipment for tire recycling.

B. The Credit of the State

The Nebraska Constitution prohibits the unlawful pledge of the credit of the State: "The credit of the State shall never be given or loaned in aid of any individual, association, or corporation. . . ." Neb. Const. Art. XIII, §3.

The Nebraska Supreme Court has stated "the purpose of article XIII, §3, of Nebraska's Constitution is to prevent the State or any of its governmental subdivisions from extending the state's credit to private enterprise. (Citation omitted). It is designed to prohibit the state from acting as a surety or guarantor of the debt of another." Haman v. Marsh, 237 Neb. 699, 718, 467 N.W.2d 836 (1991) (emphasis added). See also Haman, 237 Neb. at 722.

Haman is the most recent Nebraska Supreme Court decision to interpret Article XIII, Section 3, of the Nebraska Constitution. Haman involved legislation which appropriated $33.8 million of state tax money to compensate depositors who had suffered losses due to the failure of industrial loan and investment companies in Nebraska. In Haman, the Court established a three-prong test, and stated that to establish a law was unconstitutional under Article XIII, Section 3, a plaintiff had to prove each of the following elements: 1) The credit of

the state 2) was given or loaned; 3) in aid of any individual, association, or corporation. Haman, 237 Neb. at 719.

Thus, the threshold question which must be analyzed is whether the proposed amendment to the Nebraska Waste Reduction and Recycling Act involves the "credit of the state."

In Haman, the Court noted that the state's credit was inherently the power to levy taxes and involved the obligation of its general fund. The Court stated as follows: "There is a distinction between the loaning of state funds and the loaning of the state's credit. When a state loans funds, it is in the position of creditor, whereas the state is in the position of debtor upon a loan of credit." Id. at 719-720. (Emphasis added). Thus, when the State's credit is given or loaned, the State is in the position of a surety or guarantor of the debt of another. Id. at 718. Accord Utah Technology Finance Corp. v. Wilkinson, 723 P.2d 406, 411 (Utah 1986) (loaning the credit of the State is "liability for the debt of another . . . suretyship.").[1]

The court concluded in Haman that under the legislation in question "the State would be forever liable for the losses of industrial company depositors . . . the stated purpose of the act is redemption of the guarantees of a private corporation to depositors by obligating present and future taxes from the State's general fund." Id. at 720. In contrast, the proposed amendment to the Act would provide low-interest loans for certain tire recycling projects. As stated above, the Nebraska Supreme Court has expressly distinguished between loaning the State's credit and the loaning of state funds. Haman, 237 Neb. at 719-720. If the proposed amendment provides for the loaning of state funds whereby the State is in the position of a creditor rather than debtor, there is no violation of Article XIII, § 3 as the State's credit is not given or loaned.

C. Public Purpose

In Op. Att'y Gen. No. 93004 (Febr. 2, 1993), we examined another proposed amendment to the Act under Neb. Const. Act XIII, § 3 and also under the Public Purpose Doctrine. Our analysis under the Public Purpose Doctrine remains the same with respect to the proposed amendment regarding low-interest loans.

Conclusion

Based on the above analysis, it is our conclusion the proposed amendment would not violate Neb. Const. Art. XIII, § 3 or the Public Purpose Doctrine.

[1]The Nebraska Supreme Court's analysis of the prohibition against the lending of the state's credit is consistent with that of other jurisdictions. In Utah Technology Finance Corp. v. Wilkinson, 723 P.2d 406 (Utah 1986), the court analyzed the Utah Technology and Innovation Act. The Act authorized equity investment and loans to assist and encourage emerging and developing small businesses. Id. at 408. The court concluded, "We find nothing in the Act which would authorize a lending of credit as we defined it . . . and as defined by

other courts . . . viz., the state is not empowered to become a surety or guarantor of another's debts." Id. at 412.

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

3-1425-3

RESOLUTIONS

LEGISLATIVE RESOLUTION 290. Read. Considered.

LEGISLATIVE RESOLUTION 291. Read. Considered.

LEGISLATIVE RESOLUTION 292. Read. Considered.

LEGISLATIVE RESOLUTION 294. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 290, 291, 292, and 294 were adopted with 20 ayes, 0 nays, and 29 not voting.

GENERAL FILE

LEGISLATIVE RESOLUTION 2CA. Read. Considered.

Mr. Landis renewed his pending amendment, AM2697, found in the Journal on page 260.

Mr. Landis moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Chambers requested a roll call vote on the Landis amendment.

Voting in the affirmative, 21:

Abboud	Beutler	Hartnett	Moore	Schimek
Ashford	Bohlke	Kristensen	Preister	Wesely
Avery	Chambers	Landis	Rasmussen	Wickersham
Bernard-Stevens	Day	Monen	Robak	Withem
	Fisher			

Voting in the negative, 20:

Bromm	Elmer	Hudkins	Pedersen	Vrtiska
Coordsen	Engel	Janssen	Pirsch	Warner
Crosby	Haberman	Jones	Robinson	Wehrbein
Cudaback	Hillman	Matzke	Schellpeper	Witek

Present and not voting, 2:

McKenzie Schmitt

Excused and not voting, 6:

Byars Hall Lindsay Lynch Will
Dierks

The Landis amendment lost with 21 ayes, 20 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Beutler moved to indefinitely postpone LR 2CA.

Laid over.

LEGISLATIVE BILL 262. Considered.

Messrs. Lindsay and Abboud withdrew their pending amendment, FA312, found in the Journal on page 283.

Messrs. Abboud and Lindsay offered the following amendment:
AM2706

1. Strike original section 3 and all amendments thereto and insert the following new section:

"Sec. 2. That original section 25-218, Revised Statutes Supplement, 1992, is repealed.".

MR. WEHRBEIN PRESIDING

The Abboud-Lindsay amendment lost with 1 aye, 15 nays, 27 present and not voting, and 6 excused and not voting.

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

Mr. Kristensen moved to indefinitely postpone LB 262.

Laid over.

SPEAKER WITHEM PRESIDING

LEGISLATIVE BILL 28. Title read. Considered.

Standing Committee amendment, AM0530, found in the Journal on page 783, First Session, 1993, was considered.

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

Mr. Schmitt moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Haberman requested a record vote on the Standing Committee amendment.

Voting in the affirmative, 27:

Abboud	Engel	Kristensen	Robak	Wehrbein
Bernard-Stevens	Fisher	Lindsay	Robinson	Wickersham
Bohlke	Hillman	Lynch	Schellpeper	Will
Crosby	Hudkins	Moore	Schmitt	Witek
Elmer	Janssen	Pedersen	Warner	Withem
	Jones	Pirsch		

Voting in the negative, 3:

Chambers	Haberman	Monen

Present and not voting, 16:

Ashford	Day	Hartnett	McKenzie	Schimek
Beutler	Dierks	Landis	Preister	Vrtiska
Bromm	Hall	Matzke	Rasmussen	Wesely
Cudaback				

Excused and not voting, 3:

Avery	Byars	Coordsen

The Standing Committee amendment was adopted with 27 ayes, 3 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 28.

Mr. Schellpeper moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Chambers withdrew his motion to indefinitely postpone LB 28.

Pending.

MOTION - Withdraw LR 280CA

Mmes. Crosby, Witek, Messrs. Wehrbein, and Moore moved to withdraw LR 280CA.

Laid over.

1993 INTERIM REPORT ON THE DISPOSITION OF INTERIM STUDY RESOLUTIONS

Agriculture

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
103	Alternative Livestock	X		
118	Liability Insurance	X		
119	Poultry Inspection	X		
150	Misc. Ag Issues	X		

Appropriations

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
218	Audit Function-1st phase	X (Jan. 31)		
	Audit Function-2nd phase			X
222	DD funding		X	
125	Applied Tech. Ed.		X	
223	Equal Opportunity Commission			X
219*	LB 627			
225	Mental Health		X	
231	Managed Care		X	
245	State Employee Growth		X	
221	Foster care	X**		
229	Advocacy Agencies			X
224	Armories	X (Jan. 22)		
226	Legal Services	X (Feb. 28)		
227	Prison Medical			X
228	Dispute Resolution			X
220	Policy Research			X
116	DAS print shop			X
128	Remedial Education		X	

*Incorporated into the work of the LB 627 task force
**final report nearing completion

Banking, Commerce and Insurance

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
234	Credit insurance		X	
191	Interest rates		X	

233	Insurance fraud		X	
163	Uninsured/Underinsured motor vehicles		X	
123	Security interests in copyrights and patents			X
201	Bank cards			X
112	Model Business Corp. Act		X	
204	Exercise clubs		X	
164	Motor vehicle safety responsibility			X
157	North Omaha Business Dev. Corp.			X

Business and Labor

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
95	Unemployment Insurance Increase		X	
133	C. I. R.		X	
108	C. I. R.			X (same as 133)
244	Workers' Compensation Insurance		X	
223	E. O. C.			X (to Appropriations)

Education

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
125	Role and mission of Community College System	X		
128	Role and mission of Community College System	X		
132	Apprenticeship programs			X
139	Enrollment tiers incorporated with LR 178		X	
155	Appointment of Commissioner of Education by Governor			X
159	K-12 funding formula incorporated into LR 178		X	
160	Compulsory school attendance age		X	
177	School restructuring efforts	X		
178	Comprehensively examine the efficient operation of schools		X	
179	Review of University of Nebraska admissions policy		X	
180	Interaction between business community and University			X
181	Technology initiatives for K-12 and postsecondary education		X	
182	Student discipline in Nebraska's schools		X	
197	Examine the need for independent living centers in Nebraska		X	

Executive Board

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
100*	Mental Health Services			
101*	Unwanted Pregnancies			
111	Position of Legal Council to the Legislature			X

121 & 215	Legislature's Computer Services	Report to be issued Jan. '94		
211*	Economic Development			
216	Referencing legislative bills			X

*Special Committee created

General Affairs

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
110	Laws concerning regulation of retail liquor establishments	X		
140	Current library system with emphasis on funding and accessibility	X		
187	License fees, occupation taxes, and hours of operation of retail liquor establishments	X		
188	Methods of improving financial viability of horseracing in Nebraska	X		
189	State's rights and responsibilities with regard to the Indian Gaming Regulatory Act	X		
190	Funding and scope of authority of the State Racing Commission	X		
235	Charitable gaming and allocation of revenue	X		

Government, Military and Veterans Affairs

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
105	Campaign Finance	X		
107	Ethics	X		
104	Redistricting		X	
127	Boards and Commissions		X*	
138	Centralization	X		
109	Biennial Sessions			X
122	Fossils			X
169	Bidding			X
156	LB 76			X
171	Privatization			X

*Report will be issued when data compilation complete.

Health and Human Services

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
87	Discipline of Health Care Professionals		X	
94	Lead Poisoning		X	
113	Vital Statistics	X		
117	Children and Family Services			X
158	Children's Division			X
183	Adoption Homestudies			X
194	Implementation of LB 830		X	
195	Uniform Licensure Law			X
196	Child Care		X	
198	State Housing Trust Fund			X

199	Adoption			X
202	Children & Family Services			X
203*	Role of County Government			
212	Health Care		X	
213	Welfare Reform		X	
214	Human Service Programs			X
221	Foster Care Reviews	X		
225	Mental Health Roadmap		X	
232	Consolidate Mental Health & Substance Abuse Programs			X

* Ongoing

Judiciary

LR	Subject	Completed: Report Will Be Issued	Completed: No Report Issued	Deferred
102	Effects of closing and sale of mobile home parks on residents	X		
114	Examine states which permit their highest courts to issue advisory opinions on questions of law	X		
154	Judicial nominating commissions	X		
161	Taxing of persons who possess illegal pornography	X		
162	Adequacy of criminal record investigations available to fire departments for employment decisions	X		
165	Criminal statutes concerning assaults	X		
168	Implementation of a surcharge against convicted defendants	X		
172	Clerk's offices for the trial courts	X		
173	Classification of criminal penalties	X		
176	Statute of limitations controlling the filing of civil suits	X		
200	Liability exposure of unpaid volunteers	X		
217	Consolidation of all state legal resources into office of Attorney General	X		
219	Fiscal impact of Nebraska Crime Control Act of 1993	X		
226	Determine most cost effective method for state agencies to procure legal services	X		
227	Existing medical programming administered by the Dept. of Correctional Services	X		
228	Office of Dispute Resolution	X		
230	Battered spouse syndrome	X		
237	System for filling judicial vacancies	X		

Natural Resources

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
141	Radioactive waste		X	
142	Alternative energy sources		X	
143	Public power industry			X
144	Litter and waste reduction and recycling			X
145	Water and natural resources districts		X	
146	Water contamination		X	

147	Natural resources governmental entities	X		
148	Water rights and transfers			X
149	Integrated management of ground and surface water	X		
152	Wind energy	X		
167	Financial aspects of landfill closure	X		
184	Nebraska Ethanol Board	X		
236	Governmental entities involved in recreation			X
238	Response, investigation, cleanup of environmental hazards			X
239	Game and Parks Commission	X		
240	Abandoned water wells	X		
241	Instream appropriations of water	X		
242	Environmental education	X		
243	Recreation			X
246	Cost structure of public power districts	X		

Nebraska Retirement Systems

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
328	Cost of living adjustments	X		
328	Investment Options			X
328	Fiscal integrity	X		
328	Defined benefit/Contribution			X (to 1994)
328	Purchase of Service	X		
245	Growth in Number of State Employees	X		
130	Administration of State Retirement Systems	X		
120	Legislator Retirement	X		
131	Early Retirement			X

Revenue

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
175	Overall Tax System	X		
166	Highway Trust Fund	X		
129	In Lieu of Tax	X		
124	Alternative Tax Systems	X		
210	Economic Development		X	
153	School District Capital Funding			X

Rules

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
106	Bill limitation	X		
186	Rules	X		
192	Rules	X		

Transportation

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred

134	Federal Motor Carrier Safety Regulations and Hazardous Materials Regulations	X		
135	Specialty License Plates	X		
136	Distribution formula - county share of the highway allocation fund		X	
137	Vehicle lighting requirements		X	
164	Motor Vehicle Safety Responsibility Act		X	

Urban Affairs

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
208	Municipal natural gas regulation issues and the granting of municipal gas franchises		X	
193	The impact of municipal annexation on rural and suburban fire protection districts		X	
205	The future status of the Chalco area in Sarpy County (as a city or part of Omaha)		X	
207	Municipal proprietary function budgeting, financing, and rate-setting activities		X	
206	Statutes governing the operation and management of volunteer fire departments and fire protection districts		X	
209	Provide a forum for discussion of future urban legislation		X	

Building Maintenance

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
151	Building maintenance		X	Will continue study through session with hearings in Jan.

Select Committee on LR 100

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
100	Mental health			X

LR 101 Task Force on Unwanted Pregnancies

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
101	Unwanted pregnancies			Pending... considering possible legislation.

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 977	Wednesday, January 19, 1994	1:30 p.m.
LB 865	Wednesday, January 19, 1994	1:30 p.m.

LB 994	Wednesday, January 19, 1994	1:30 p.m.
LB 917	Wednesday, January 19, 1994	1:30 p.m.
LB 938	Wednesday, January 19, 1994	1:30 p.m.

(Signed) Jerome Warner, Chairperson

Natural Resources

Governor Appointments Wednesday, January 19, 1994 1:30 p.m.
Environmental Quality Council
Dwayne Smith
Galen E. Frenzen
Darlene Kiefer
Bill Podraza
Kathleen J. Wittler
Dave S. Sands
Richard W. Galyen
Spencer W. Morrissey

LB 1030	Wednesday, January 19, 1994	1:30 p.m.
LB 962	Wednesday, January 19, 1994	1:30 p.m.

(Signed) Chris Beutler, Chairperson

Education

Governor Appointment Tuesday, February 8, 1994 1:30 p.m.
Cancelled
Sally Tremain - Nebraska Safety Center Advisory Council

(Signed) Ardyce Bohlke, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1066. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to investment of public funds; to amend sections 9-1,105, 9-629.02, 18-2604, 67-293, 68-612, 68-613, 77-2341, 77-3616, 77-4025, and 77-4104, Reissue Revised Statutes of Nebraska, 1943, sections 2-1222, 2-3960, 13-2041, 21-17,117.05, 24-704, 28-429, 29-2259.01, 37-206, 37-439, 37-1503, 39-2215, 39-2215.01, 43-1320, 43-2607, 43-2622, 45-716, 46-212.02, 48-418.10, 48-621, 49-1446.01, 49-14,140, 50-438, 54-2293, 60-305.09, 60-311, 60-1303, 60-2132, 66-4,100, 66-733, 66-739, 66-1414, 66-1521, 68-1604, 71-172.02, 71-1,147.02, 71-2618, 71-3708, 71-7010, 71-7521, 72-816, 74-1420, 74-1420.01, 76-2226, 77-3,113, 77-1342, 77-4310.03, 79-4,239, 79-1556, 79-3504, 79-3812, 80-301, 81-201.04, 81-2,291,

81-1110.02, 81-1120.23, 81-1188, 81-1201.21, 81-1278, 81-1429.01, 81-15,101.01, 81-15,104, 81-15,121, 81-15,174, 81-15,177, 81-1607.01, 81-2004.05, 81-2022, 84-135, 84-1613, 85-106, 85-1,128, 85-403, 85-1419, 85-1420, 89-1,100, and 89-1,104.01, Revised Statutes Supplement, 1992, and sections 2-127, 2-958, 2-10,117, 2-2627, 2-3930, 9-1,101, 9-812, 19-4617, 23-3594.04, 24-227, 32-1610, 44-116, 45-621, 46-1224, 48-1,116, 48-446, 53-117.06, 57-919, 60-1513, 60-1514, 66-1334, 66-1345, 66-1519, 69-1317, 70-1020, 71-1,334, 71-5675, 72-1802, 77-3,110, 77-918, 79-1247.07, 79-1545, 79-2859, 81-179, 81-528, 81-805, 81-815.59, 81-1120.38, 81-1201.10, 81-1287, 81-1354.02, 81-1505.01, 81-1558, 81-1561, 81-1566.01, 81-15,113.01, 81-15,120, 81-15,151, 81-15,160, 81-15,165, 83-150, 83-913.01, 84-617, 85-122, 85-1540, and 86-1304, Revised Statutes Supplement, 1993; to eliminate certain restrictions on investments; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also sections 72-1270 to 72-1276, Reissue Revised Statutes of Nebraska, 1943, and section 79-1051.06, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 1067. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-141, Revised Statutes Supplement, 1993; to provide for bank ownership of cash value life insurance contracts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1068. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Day, 19; Fisher, 35; Lynch, 13; Moore, 24; Robak, 22.

A BILL FOR AN ACT relating to retirement; to amend section 84-1301, Revised Statutes Supplement, 1993; to redefine a term; to exclude certain employees of the Coordinating Commission for Postsecondary Education from the State Employees Retirement Act; and to repeal the original section.

LEGISLATIVE BILL 1069. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to the state lottery; to amend section 9-829, Revised Statutes Supplement, 1993; to provide for cash sales only of lottery tickets; to define a term; and to repeal the original section.

LEGISLATIVE BILL 1070. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend section 9-629, Revised Statutes Supplement, 1993; to define terms; to change provisions relating to the exclusion of

certain audit and legal expenses from gross proceeds for expense limitation purposes; and to repeal the original section.

LEGISLATIVE BILL 1071. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Chambers, 11; Hudkins, 21; Schellpeper, 18; Vrtiska, 1.

A BILL FOR AN ACT relating to the Department of Agriculture; to amend sections 81-2,172 and 81-2,174, Reissue Revised Statutes of Nebraska, 1943, and sections 81-2,165 to 81-2,171, 81-2,173, 81-2,176, 81-2,177.01, and 81-2,179, Revised Statutes Supplement, 1992; to state intent; to change duties of the department and to provide duties for the University of Nebraska; to define and redefine terms; to change provisions relating to inspection, certification, and registration by beekeepers; to change fees for apiary certificates and registration; to eliminate the State Apiarist; to harmonize provisions; to provide an operative date; to repeal the original sections, and to declare an emergency.

LEGISLATIVE BILL 1072. Introduced by Ashford, 6; Hall, 7; Hartnett, 45; Lynch, 13; Pedersen, 39; Rasmussen, 20; Will, 8.

A BILL FOR AN ACT relating to the Local Option Revenue Act; to amend section 77-27,142, Reissue Revised Statutes of Nebraska, 1943; to authorize a city of the metropolitan class to increase the city sales and use tax as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1073. Introduced by Will, 8.

A BILL FOR AN ACT relating to firefighters; to state intent; and to provide a rebuttable presumption concerning death or disability as a result of cancer as prescribed.

LEGISLATIVE BILL 1074. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend sections 60-571 to 60-573, 60-575 to 60-577, and 60-579 to 60-582, Reissue Revised Statutes of Nebraska, 1943, sections 60-574 and 60-578, Revised Statutes Supplement, 1992, and section 60-302, Revised Statutes Supplement, 1993; to rename the Underinsured Motorist Insurance Coverage Act; to change and eliminate provisions relating to underinsured and uninsured motorist coverages; to change provisions relating to motor vehicle registration and proof of financial responsibility; to authorize the Director of Insurance to appoint staff to investigate insurance fraud; to provide funding; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide operative dates; and to repeal the original sections, and also sections 60-509.01 to 60-509.03, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1075. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to boundary lines; to amend sections 22-164 and 22-174, Reissue Revised Statutes of Nebraska, 1943, and Laws 1971, LB 1034, section 1; to change the boundary line between Missouri and Nebraska as prescribed; to cede to and relinquish jurisdiction over certain lands to Missouri; to amend the Missouri-Nebraska Boundary Compact of 1971; to harmonize provisions; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 295CA. Introduced by Crosby, 29; Moore, 24; Wehrbein, 2; Witek, 31.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article IV, section 11:

IV-11 "If any elected state office created by this Constitution, except offices provided for in Article V of this Constitution and the executive state offices provided for in this section, shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to fill that office by appointment, and the appointee shall hold the office until his or her successor shall be elected and qualified in such manner as may be provided by law.

If the office of Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, or Attorney General shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to fill that office by appointment with the approval of a majority of the Legislature, and the appointee shall hold the office until his or her successor shall be elected and qualified in such manner as may be provided by law.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to require legislative approval of gubernatorial appointments to vacated executive state offices.

For

Against".

Referred to the Reference Committee.

VISITORS

Visitors to the Chamber were 40 students and 20 teachers from Nebraska Educational Technology Association from across the state.

RECESS

At 12:04 p.m., on a motion by Mr. Cudaback, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Crosby who was excused; and Messrs. Avery, Beutler, Byars, Coordsen, Hall, Landis, Lindsay, Lynch, Moore, Robinson, Vrtiska, Warner, Will, Mmes. Bohlke, and McKenzie who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1031 through 1065 and Secretary of State appointment.

LB	Committee
1031	Natural Resources
1032	Transportation
1033	Revenue
1034	Natural Resources
1035	Judiciary
1036	Nebraska Retirement Systems
1037	Education
1038	Natural Resources
1039	Natural Resources
1040	Transportation
1041	Urban Affairs
1042	Banking, Commerce and Insurance
1043	Government, Military and Veterans Affairs
1044	Transportation
1045	Appropriations
1046	Education
1047	Nebraska Retirement Systems
1048	Banking, Commerce and Insurance
1049	Banking, Commerce and Insurance
1050	Revenue

1051 Judiciary
1052 Judiciary
1053 Natural Resources
1054 Transportation
1055 Education
1056 Business and Labor
1057 General Affairs
1058 Agriculture
1059 Transportation
1060 Transportation
1061 Transportation
1062 Transportation
1063 Education
1064 Health and Human Services
1065 Health and Human Services

Matzke, Stanley, A., Jr. - Nebr. Accountability & Disclosure Commission -- Government, Military and Veterans Affairs

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

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1076. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Day, 19; Dierks, 40; Matzke, 47; Rasmussen, 20; Vrtiska, 1.

A BILL FOR AN ACT relating to medical assistance; to amend sections 30-2222, 30-2414, 30-2487, and 30-24,125, Reissue Revised Statutes of Nebraska, 1943; to authorize claims against the estate of a decedent; to provide powers and duties for the Department of Social Services; to provide for notice, priority, and collection of such claims; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1077. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Day, 19; Dierks, 40; Matzke, 47; Rasmussen, 20; Vrtiska, 1.

A BILL FOR AN ACT relating to the Burial Pre-Need Sale Act; to amend sections 12-1110, 12-1115, 12-1116, and 12-1118, Reissue Revised Statutes of Nebraska, 1943, and section 12-1108, Revised Statutes Supplement, 1993; to change fees, license terms, and reporting requirements; to provide for suspension of licenses; to provide for fines

and hearings; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1078. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Day, 19; Dierks, 40; Matzke, 47; Rasmussen, 20; Vrtiska, 1.

A BILL FOR AN ACT relating to health; to amend sections 71-103, 71-104, 71-105, 71-106, 71-111, 71-139, 71-145, 71-149, 71-151, 71-152, 71-156, 71-157, 71-161.04, 71-161.05, 71-161.06, 71-161.10, 71-161.14, 71-161.15, 71-161.17, 71-163, 71-164, 71-166, 71-170, 71-172, 71-1,132.14, 71-1,132.16, 71-1,132.49, 71-1,234, 71-3,173, 71-6039, and 71-6041, Reissue Revised Statutes of Nebraska, 1943, sections 28-405, 28-409, 44-2851, 71-108, 71-147.02, 71-150, 71-154, 71-155, 71-161.02, 71-161.07, 71-161.09, 71-168, 71-171.01, 71-171.02, 71-1,104, 71-1,132.29, 71-1,147.34, 71-3710, 71-6801, and 81-604.02, Revised Statutes Supplement, 1992, and sections 71-107, 71-110, 71-114, 71-116, 71-118, 71-131, 71-147, 71-148, 71-162, 71-1,310, 71-1,311, 71-1,312, 71-1,314, 71-1,319, 71-1,320, 71-1,321, 71-1,325, 71-1,326, 71-1,328, 71-1,329, 71-1,330, and 71-1,335, Revised Statutes Supplement, 1993; to redefine terms; to change provisions relating to disciplinary actions involving health professionals and hospitals, references to registration of health professionals, examinations in medicine and surgery, nonrenewal of licenses, certificates, and registrations, fees for licenses to practice nursing, training and evaluation of nursing assistants, nursing home regulations, and licensing of mental health practitioners; to change a penalty; to change and eliminate an operative date for the Clinical Laboratories Certification Act; to authorize the Department of Health to perform survey and certification functions; to provide operative dates; to repeal the original sections, and also Laws 1990, LB 551, section 32, as amended by Laws 1992, LB 1019, section 127, and Laws 1993, LB 536, section 124; and to declare an emergency.

LEGISLATIVE BILL 1079. Introduced by Bromm, 23; Robak, 22; Robinson, 16; Wehrbein, 2.

A BILL FOR AN ACT relating to gasohol; to amend sections 66-821 to 66-824, Reissue Revised Statutes of Nebraska, 1943; to require a program for use of gasohol in state vehicles as prescribed; to harmonize provisions; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 28. Mr. Chambers moved to indefinitely postpone.

MR. LANDIS PRESIDING

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

SPEAKER WITHEM PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Chambers requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 6:

Abboud	Haberman	Lindsay	Monen	Wickersham
Chambers				

Voting in the negative, 36:

Avery	Day	Jones	Pirsch	Schmitt
Bernard-Stevens	Elmer	Kristensen	Preister	Vrtiska
Beutler	Engel	Landis	Rasmussen	Warner
Bohlke	Fisher	Matzke	Robak	Wehrbein
Bromm	Hartnett	McKenzie	Robinson	Wesely
Coordsen	Hillman	Moore	Schellpeper	Witek
Cudaback	Hudkins	Pedersen	Schimek	Withem
	Janssen			

Present and not voting, 1:

Ashford

Excused and not voting, 6:

Byars	Dierks	Hall	Lynch	Will
Crosby				

The Chambers motion to indefinitely postpone lost with 6 ayes, 36 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Messrs. Preister, Robinson, Landis, and Avery asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 32:

Abboud	Cudaback	Hudkins	Moore	Schmitt
Bernard-Stevens	Day	Janssen	Pedersen	Vrtiska
Bohlke	Elmer	Jones	Rasmussen	Warner
Bromm	Engel	Kristensen	Robak	Wehrbein
Byars	Fisher	Matzke	Schellpeper	Witek
Coordsen	Hartnett	McKenzie	Schimek	Withem
	Hillman	Monen		

Voting in the negative, 4:

Ashford	Chambers	Haberman	Lindsay

Present and not voting, 5:

Avery	Beutler	Wesely	Wickersham	Will

Excused and not voting, 8:

Crosby	Hall	Lynch	Preister	Robinson
Dierks	Landis	Pirsch		

Advanced to E & R for review with 32 ayes, 4 nays, 5 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE RESOLUTION 15CA. Read. Considered.

Mmes. Hudkins, McKenzie, Messrs. Coordsen, Haberman, and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

MR. LINDSAY PRESIDING

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

Mr. Kristensen moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Kristensen requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 27:

Abboud	Byars	Hartnett	Landis	Schmitt
Bernard-Stevens	Day	Hillman	Matzke	Vrtiska
Beutler	Dierks	Hudkins	McKenzie	Wehrbein
Bohlke	Elmer	Janssen	Monen	Wesely
Bromm	Engel	Jones	Schimek	Will
	Fisher	Kristensen		

Voting in the negative, 12:

Ashford	Hall	Pedersen	Schellpeper	Wickersham
Chambers	Lindsay	Robak	Warner	Witek
Coordsen	Moore			

Present and not voting, 3:

Avery	Preister	Rasmussen

Excused and not voting, 7:

Crosby	Haberman	Pirsch	Robinson	Withem
Cudaback	Lynch			

Advanced to E & R for review with 27 ayes, 12 nays, 3 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Ashford asked unanimous consent to be excused. No objections. So ordered.

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

LEGISLATIVE BILL 64. Considered.

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

Failed to advance to E & R for review with 11 ayes, 14 nays, 15 present and not voting, and 9 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1080. Introduced by Janssen, 15; Bromm, 23; Cudaback, 36; Dierks, 40; Haberman, 44; Hartnett, 45; Hudkins, 21;

Jones, 43; Pirsch, 10; Robinson, 16; Schellpeper, 18; Schmitt, 41; Wickersham, 49.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-304, Revised Statutes Supplement, 1993; to change the auditing requirements of fire protection districts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1081. Introduced by Bohlke, 33; Coordsen, 32; Cudaback, 36; Hudkins, 21.

A BILL FOR AN ACT relating to motor vehicles; to provide for the issuance of special license plates to veterans of World War II; and to provide fees.

LEGISLATIVE BILL 1082. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2704.12, Revised Statutes Supplement, 1993; to exempt purchases by certain nonprofit corporations from taxation; and to repeal the original section.

LEGISLATIVE BILL 1083. Introduced by Warner, 25.

A BILL FOR AN ACT relating to motor vehicle rentals; to amend section 77-4501, Revised Statutes Supplement, 1993; to exempt certain renters from a fee on rentals; and to repeal the original section.

LEGISLATIVE BILL 1084. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-1589 and 77-27,132.02, Reissue Revised Statutes of Nebraska, 1943, section 46-674, Revised Statutes Supplement, 1992, and section 2-1579, Revised Statutes Supplement, 1993; to change provisions relating to expenditures and allocations from the Nebraska Soil and Water Conservation Fund and the Nebraska Resources Development Fund; to require ground water management plans as prescribed; to change provisions relating to state aid as provided; and to repeal the original sections.

LEGISLATIVE BILL 1085. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-1,102, Reissue Revised Statutes of Nebraska, 1943, sections 53-124.11 and 53-131.01, Revised Statutes Supplement, 1992, and sections 53-101, 53-101.01, 53-103, 53-116, 53-116.02, 53-117, 53-117.05, 53-117.06, 53-122, 53-124, 53-125, 53-129, 53-131, 53-132 to 53-134, 53-168, 53-1,115, and 53-1,116, Revised Statutes Supplement, 1993; to state policy; to define a term and eliminate a

definition; to provide powers and duties; to provide for forfeiture of licenses, copies of rules and regulations, elections for sale of liquor by the drink, licenses and license fees, licensed premises supervisors and supervisor permits, location of licensed premises, license applications, license issuance, hearings, protests, disciplinary proceedings, and appeals; to create a fund; to eliminate provisions relating to policy, powers and duties, license forfeiture, copies of rules and regulations, a cash fund, elections, licenses, fees, managers, location of licensed premises, license applications and issuance, hearings, protests, and disciplinary proceedings, and appeals; to harmonize provisions; to provide severability; to repeal the original sections, and also sections 53-134.02 and 53-134.03, Revised Statutes Supplement, 1993; and to declare an emergency.

LEGISLATIVE BILL 1086. Introduced by Byars, 30.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-157, Revised Statutes Supplement, 1993; to provide for detached branch banks outside the corporate limits of a city as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1087. Introduced by Coordsen, 32; Ashford, 6; Avery, 3; Bohlke, 33; Byars, 30; Crosby, 29; Cudaback, 36; Day, 19; Dierks, 40; Elmer, 38; Engel, 17; Fisher, 35; Hartnett, 45; Hillman, 48; Hudkins, 21; Janssen, 15; Jones, 43; Lindsay, 9; Lynch, 13; Matzke, 47; McKenzie, 34; Monen, 4; Pedersen, 39; Pirsch, 10; Rasmussen, 20; Robak, 22; Robinson, 16; Schellpeper, 18; Schimek, 27; Schmitt, 41; Vrtiska, 1; Wehrbein, 2; Wickersham, 49; Will, 8; Witek, 31; Withem, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2702.07 and 77-2702.17, Revised Statutes Supplement, 1993; to exempt labor and installation services from sales and use tax as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1088. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to property taxation; to amend sections 77-1362 and 77-1364, Reissue Revised Statutes of Nebraska, 1943, and section 77-1363, Revised Statutes Supplement, 1992; to change provisions relating to valuation of agricultural land and horticultural land; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 874	Wednesday, January 19, 1994	1:30 p.m.
LB 889	Wednesday, January 19, 1994	1:30 p.m.

LB 925	Wednesday, January 19, 1994	1:30 p.m.
LB 1007	Wednesday, January 19, 1994	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

Education

LB 954	Monday, January 24, 1994 (cancelled)	1:30 p.m.
LB 1046	Monday, January 24, 1994	1:30 p.m.
LB 995	Monday, January 24, 1994	1:30 p.m.
LB 1021	Monday, January 24, 1994	1:30 p.m.
LB 930	Tuesday, January 25, 1994	1:30 p.m.
LB 989	Tuesday, January 25, 1994	1:30 p.m.
LB 1055	Tuesday, January 25, 1994	1:30 p.m.
LB 954	Tuesday, February 1, 1994	1:30 p.m.
LB 1063	Tuesday, February 1, 1994	1:30 p.m.

(Signed) Ardyce Bohlke, Chairperson

Judiciary

LB 891	Wednesday, January 19, 1994	1:30 p.m.
LB 988	Wednesday, January 19, 1994	1:30 p.m.
LB 955	Wednesday, January 19, 1994	1:30 p.m.
LB 903	Wednesday, January 19, 1994	1:30 p.m.
LB 1026	Wednesday, January 19, 1994	1:30 p.m.
LB 1052	Wednesday, January 19, 1994	1:30 p.m.
LB 868	Thursday, January 20, 1994	1:30 p.m.
LB 888	Thursday, January 20, 1994	1:30 p.m.
LB 892	Thursday, January 20, 1994	1:30 p.m.
LB 898	Thursday, January 20, 1994	1:30 p.m.
LB 899	Thursday, January 20, 1994	1:30 p.m.
LB 920	Thursday, January 20, 1994	1:30 p.m.
LR 278CA	Thursday, January 20, 1994	1:30 p.m.
LB 906	Friday, January 21, 1994	1:30 p.m.
LB 907	Friday, January 21, 1994	1:30 p.m.
LB 908	Friday, January 21, 1994	1:30 p.m.
LB 936	Friday, January 21, 1994	1:30 p.m.
LB 951	Friday, January 21, 1994	1:30 p.m.
LB 952	Friday, January 21, 1994	1:30 p.m.
LB 993	Friday, January 21, 1994	1:30 p.m.

(Signed) John Lindsay, Chairperson

PROPOSED RULE CHANGE

Mr. Byars unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Amend Rule 3, Section 3. Standing Committees. to read as follows: {a} The standing committees of the Legislature shall be as follows:

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

Referred to the Rules Committee.

MR. HALL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 286. Mr. Hall asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 663. Title read. Considered.

Standing Committee amendment, AM0181, found in the Journal on page 572, First Session, 1993, was considered.

Mr. Moore offered the following amendment to the Standing Committee amendment:
AM2719

(Amendments to Standing Committee amendments, AM0181)

1. On page 1, line 18, before the quotation mark insert:

"(3) All costs to the state associated with the criminal history information check referred to in subsection (2) of this section shall be paid by the applicant for the McGruff House designation or by the McGruff House program sponsoring the applicant.".

The Moore amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 760. Title read. Considered.

Standing Committee amendment, AM0196, found in the Journal on page 572, First Session, 1993, was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1089. Introduced by Byars, 30.

A BILL FOR AN ACT relating to the State Board of Health; to amend section 71-2601, Revised Statutes Supplement, 1993; to provide for membership of certified nurse practitioners or a certified nurse midwife on the board; and to repeal the original section.

LEGISLATIVE BILL 1090. Introduced by Dierks, 40.

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

LEGISLATIVE BILL 1091. Introduced by Elmer, 38; Byars, 30; Dierks, 40; Matzke, 47; Schmitt, 41; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to insurance; to require notice of cancellation and termination of motor vehicle liability insurance policies; and to provide duties for county sheriffs.

LEGISLATIVE BILL 1092. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2702.13, Revised Statutes Supplement, 1993; to exempt admission charged by cities and villages; and to repeal the original section.

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 421 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2626.)

UNANIMOUS CONSENT - Add Cointroducers

Mr. Bromm asked unanimous consent to have his name added as cointroducer to LB 51 and LB 905. No objections. So ordered.

Mrs. Crosby asked unanimous consent to have her name added as cointroducer to LB 1054. No objections. So ordered.

Mrs. Crosby and Mr. Wickersham asked unanimous consent to have their names added as cointroducers to LB 460. No objections. So ordered.

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 525. No objections. So ordered.

Mr. Byars asked unanimous consent to have his name added as cointroducer to LB 1076, LB 1077, and LB 1078. No objections. So ordered.

VISITORS

Visitors to the Chamber were Erlinda Salazar from Scottsbluff; and Steve Scherr from Hastings.

ADJOURNMENT

At 4:27 p.m., on a motion by Mr. Monen, the Legislature adjourned until 9:00 a.m., Thursday, January 13, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTH DAY - JANUARY 13, 1994

LEGISLATIVE JOURNAL

SEVENTH DAY - JANUARY 13, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 13, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

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

ROLL CALL

The roll was called and all members were present except Messrs. Avery, Dierks, Elmer, Landis, Lynch, Pedersen, Robinson, Warner, Will, Mmes. Bohlke, McKenzie, Pirsch, and Robak who were excused until they arrive.

PRESIDENT ROBAK PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the sixth day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 290, LR 291, LR 292, and LR 294.

GENERAL FILE

LEGISLATIVE BILL 693. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 286. Mr. Hall asked unanimous consent to pass over. No objections. So ordered.

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

LEGISLATIVE BILL 600. Title read. Considered.

Standing Committee amendment, AM0275, found in the Journal on page 572, First Session, 1993, was adopted with 30 ayes, 1 nay, 10 present and not voting, and 8 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 600.

Mr. Chambers moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Chambers motion to indefinitely postpone lost with 1 aye, 39 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 25 ayes, 8 nays, 12 present and not voting, and 4 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1093. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to elections; to amend sections 14-205, 14-207, 19-3019, 32-432, 32-499.01, 32-4,108, and 32-537, Reissue Revised Statutes of Nebraska, 1943; to provide for a designation of none of the above on ballots; to provide for vacancies; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1094. Introduced by Robinson, 16.

A BILL FOR AN ACT relating to pickle cards; to amend section 9-326, Reissue Revised Statutes of Nebraska, 1943, and section 9-306.01, Revised Statutes Supplement, 1992; to redefine a term; to permit certain nonprofit organizations to apply for a license to conduct a lottery by the sale of pickle cards; and to repeal the original sections.

LEGISLATIVE BILL 1095. Introduced by Cudaback, 36; Bromm, 23; Coordsen, 32; Hartnett, 45; Jones, 43.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-301, Revised Statutes Supplement, 1993; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 1096. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1280, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to certified copies of official records and fees for providing such copies; and to repeal the original section.

LEGISLATIVE BILL 1097. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Engel, 17; Hillman, 48; Wehrbein, 2.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend section 81-1111, Revised Statutes Supplement, 1993; to provide additional powers and duties for the accounting bureau and the Accounting Administrator with respect to preaudits; and to repeal the original section.

LEGISLATIVE BILL 1098. Introduced by Abboud, 12; Landis, 46.

A BILL FOR AN ACT relating to the Interstate Insurance Protection Compact; to adopt the compact.

LEGISLATIVE BILL 1099. Introduced by Jones, 43; Bromm, 23; Cudaback, 36; Elmer, 38; Schmitt, 41; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-302 and 66-602, Revised Statutes Supplement, 1993; to eliminate a requirement for a special fuel user permit for diesel fuel users; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1100. Introduced by Jones, 43; Bohlke, 33; Bromm, 23; Coordsen, 32; Cudaback, 36; Dierks, 40; Elmer, 38; Haberman, 44; Hudkins, 21; McKenzie, 34; Vrtiska, 1; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to administrative rules and regulations; to amend section 84-905.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to review by the Attorney General; and to repeal the original section.

LEGISLATIVE BILL 1101. Introduced by Coordsen, 32; Abboud, 12.

A BILL FOR AN ACT relating to labor; to amend section 48-628, Revised Statutes Supplement, 1992, and section 48-602, Revised Statutes Supplement, 1993; to define terms; to change conditions disqualifying an individual from benefits as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1102. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-302, 60-302.04, 60-312, and 60-528, Revised Statutes Supplement, 1993; to change provisions relating to proof of financial responsibility; to define terms; to change provisions relating to certificates of registration; to require proof of financial responsibility; to provide a penalty; to eliminate a penalty; to provide a duty for the Revisor of Statutes; to provide an operative date; and to repeal the original sections, and also section 60-570, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1103. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to wildlife resources; to provide for jurisdiction by tribal governments over certain property.

LEGISLATIVE BILL 1104. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-114, Revised Statutes Supplement, 1992; to change provisions relating to forms for certificates of title; and to repeal the original section.

LEGISLATIVE BILL 1105. Introduced by Hillman, 48; Engel, 17; McKenzie, 34; Moore, 24; Schellpeper, 18.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,298, Revised Statutes Supplement, 1993; to change and provide fees for manufacturers hauling manufactured homes; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 296CA. Introduced by Beutler, 28.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article V, section 4:

V-4 "The Chief Justice and the ~~Judges~~ judges of the Supreme Court shall be selected as provided in this ~~Article V~~ article with the approval of a majority of the Legislature. They shall reside at the place where the court is located but no Chief Justice or ~~Judge~~ judge of the Supreme Court shall be deemed thereby to have lost his or her residence at the place from which he or she was selected. The judges of the appellate court created pursuant to Article V, section 1, of this Constitution shall be selected as provided in this article with the approval of a majority of the Legislature.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to require legislative approval of appointments to the Supreme Court and Court of Appeals.

For

Against".

Referred to the Reference Committee.

UNANIMOUS CONSENT - Members Excused

Messrs. Elmer and Bernard-Stevens asked unanimous consent to be excused until they return. No objections. So ordered.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 12, 1994. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Bouges, Merle E. - Lincoln	Disabled American Veterans
Harding, Mary A. - Firth	American Corn Growers Association (Withdrawn 1/11/94)
	National Farmers Organization (Withdrawn 1/11/94)
Hiatt, Loren D. - Bismarck, ND	AT&T
Jensen Associates, Inc.	
Jensen, Ronald L. - Lincoln	Nebraska Dental Hygienists' Association
McCarthy, John J. - Omaha	Services for Children

Mueller, William J./Knudsen, Berkheimer, et al.

Mueller, William J. - Lincoln	Nebraska Organization of Convenience Stores
O'Hara & Associates, Inc.	
O'Hara, Paul V. - Lincoln	School Districts of Columbus, Grand Island, Norfolk & North Platte (Withdrawn 01-05-94)
Rasmussen, Dennis - Lincoln	Nebraska Historical Society
Ricca, Dennis - Chicago, IL	MCI Telecommunications Corporation
Robinson, J. J. - Lincoln	American Consulting Engineers Council of Nebraska (Withdrawn 12/16/93)
	Nebraska Society of Professional Engineers (Withdrawn 12/22/93)
Ruth, Larry L./Knudsen, Berkheimer, et al.	
Ruth, Larry L. - Lincoln	Nebraska Organization of Convenience Stores
Watson, James S. - Omaha	Share Health Plan of Nebraska
	United HealthCare Corporation

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 942	Monday, January 24, 1994	1:30 p.m.
LB 967	Monday, January 24, 1994	1:30 p.m.
LB 979	Monday, January 24, 1994	1:30 p.m.
LB 980	Monday, January 24, 1994	1:30 p.m.
LB 883	Tuesday, January 25, 1994	1:30 p.m.
LB 974	Tuesday, January 25, 1994	1:30 p.m.
LB 992	Tuesday, January 25, 1994	1:30 p.m.
LB 1015	Tuesday, January 25, 1994	1:30 p.m.

(Signed) David Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 291. Title read. Considered.

Standing Committee amendment, AM0273, found in the Journal on page 577, First Session, 1993, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 291A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

NOTICE OF COMMITTEE HEARING
Natural Resources

LB 941	Thursday, January 20, 1994	1:30 p.m.
LB 1053	Thursday, January 20, 1994	1:30 p.m.
LB 981	Thursday, January 20, 1994	1:30 p.m.
LR 284	Thursday, January 20, 1994	1:30 p.m.

(Signed) Chris Beutler, Chairperson

GENERAL FILE

LEGISLATIVE BILL 337. Title read. Considered.

Standing Committee amendment, AM0232, found in the Journal on page 578, First Session, 1993, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 513. Title read. Considered.

Standing Committee amendment, AM0272, found in the Journal on page 578, First Session, 1993, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 513A. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 660. Title read. Considered.

MR. HALL PRESIDING

Mrs. Bohlke offered the following amendment:
AM2724

1. Insert the following new section:

"Section 1. That section 71-6909, Revised Statutes Supplement, 1992, be amended to read as follows:

71-6909. ~~On or before October 1 of each school year, each school district~~ At the time of the physical examination required under section 79-444 prior to entrance into the seventh grade, the examining physician shall provide written information to all students in grades seven through twelve explaining the provisions of section 71-6902 with regard to the requirements for parental notification as a condition for obtaining an abortion. The information shall also explain the provisions of sections 71-6903 and 71-6904 with regard to seeking a judicial waiver of the parental notification requirements. The provisions of this section shall be narrowly construed to require a ~~school district~~ physician to provide only the information specified in this section. The provisions of this section shall not be construed to require a ~~school district~~ physician to provide specific information regarding how students may implement the judicial bypass provisions of section 71-6903. The ~~State~~ Department of ~~Education~~ Health shall develop and distribute to all ~~public schools~~ physicians a standardized information form which may be used to comply with this section. The standardized information form shall be approved by the State Board of ~~Education~~ Health following opportunity for public testimony at a public hearing of the board.".

2. On page 2, line 1, after "That" insert "original".

3. Renumber the remaining section accordingly.

PRESIDENT ROBAK PRESIDING

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Lindsay offered the following amendment to the Bohlke pending amendment:
FA313

Amend AM2724 as follows:

P. 1, line 8, strike "to" through "twelve" in line 9 and insert "to such student."

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

The Lindsay amendment was adopted with 30 ayes, 2 nays, 11 present and not voting, and 6 excused and not voting.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1106. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to juvenile courts; to amend sections 25-1901, 25-2729, 25-2733, Reissue Revised Statutes of Nebraska, 1943, and sections 25-2728, 43-287.01, 43-2,106, 43-2,126, and 43-2,129, Revised Statutes Supplement, 1992; to provide that all appeals from the juvenile courts be taken to the Court of Appeals; to transfer provisions for such appeals; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1107. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to real estate appraisers; to amend section 2-1502, Reissue Revised Statutes of Nebraska, 1943, sections 49-14,103.01, 72-224.03, 76-706, 76-1907, 76-2201 to 76-2203, 76-2207, 76-2210, 76-2212, 76-2217.01, 76-2218, 76-2220 to 76-2226, 76-2228, 76-2229.01 to 76-2230, 76-2232 to 76-2242, 76-2246, 76-2247.01, 76-2250, 77-1333, 77-1372, and 77-2019, Revised Statutes Supplement, 1992, and sections 76-2227, 76-2229, and 76-2249, Revised Statutes Supplement, 1993; to provide for residential and general certification of real estate appraisers; to define and redefine terms; to change provisions relating to the regulatory board; to provide fees; to eliminate definitions; to harmonize provisions; and to repeal the original sections, and also sections 76-2209, 76-2211, and 76-2217.02, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 1108. Introduced by Hall, 7; Byars, 30; Coordsen, 32; Elmer, 38; Hartnett, 45; Robak, 22; Wickersham, 49.

A BILL FOR AN ACT relating to the Nebraska Clean Indoor Air Act; to amend sections 71-5701 to 71-5704, 71-5707 to 71-5709, 71-5712, and 71-5713, Reissue Revised Statutes of Nebraska, 1943; to provide powers and duties to employers, proprietors, and persons in charge of public meetings relating to smoking in the workplace, public places, and public meetings; to redefine a term; to change provisions relating to enforcement; to eliminate provisions relating to smoking restrictions, waivers, adoption and implementation of certain rules and regulations, an action to enjoin, and the effect of smoke; and to repeal the original sections, and also sections 71-5710 and 71-5711, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1109. Introduced by Byars, 30; Lynch, 13.

A BILL FOR AN ACT relating to labor organizations; to define terms; and to require certain employees to pay for collective bargaining as prescribed.

NOTICE OF COMMITTEE HEARING
General Affairs

LB 932	Monday, January 24, 1994	2:30 p.m.
LB 997	Monday, January 24, 1994	2:30 p.m.

(Signed) Stan Schellpeper, Chairperson

RECESS

At 11:56 a.m., on a motion by Speaker Withem, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Mr. Hall presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford and Haberman who were excused; and Messrs. Beutler, Coordsen, Kristensen, Landis, Withem, Mmes. Bohlke, and Robak who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1066 through 1092 and legislative resolution 295CA.

LB	Committee
1066	Banking, Commerce and Insurance
1067	Banking, Commerce and Insurance
1068	Nebraska Retirement Systems
1069	General Affairs
1070	General Affairs
1071	Agriculture
1072	Revenue
1073	Nebraska Retirement Systems
1074	Banking, Commerce and Insurance
1075	Government, Military and Veterans Affairs
1076	Health and Human Services
1077	Health and Human Services
1078	Health and Human Services
1079	Government, Military and Veterans Affairs
1080	Government, Military and Veterans Affairs
1081	Transportation
1082	Revenue
1083	Revenue

1084 Natural Resources
1085 General Affairs
1086 Banking, Commerce and Insurance
1087 Revenue
1088 Revenue
1089 Health and Human Services
1090 Revenue
1091 Banking, Commerce and Insurance
1092 Revenue

LR	Committee
295CA	Government, Military and Veterans Affairs

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

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 948	Thursday, January 20, 1994	1:30 p.m.
LB 971	Thursday, January 20, 1994	1:30 p.m.
LB 1001	Thursday, January 20, 1994	1:30 p.m.
LR 282	Thursday, January 20, 1994	1:30 p.m.
Governor Appointments	Thursday, January 20, 1993	1:30 p.m.

Robert D. Coupland - NE State Personnel Board
Stanley A. Matzke, Jr. - NE Accountability and Disclosure Commission

LB 1004	Friday, January 21, 1994	1:30 p.m.
LB 1005	Friday, January 21, 1994	1:30 p.m.
LB 1008	Friday, January 21, 1994	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

Business and Labor

LB 861	Monday, January 24, 1994	1:30 p.m.
LB 911	Monday, January 24, 1994	1:30 p.m.
LB 913	Monday, January 24, 1994	1:30 p.m.
LB 1056	Monday, January 24, 1994	1:30 p.m.

(Signed) Chris Abboud, Chairperson

REPORT

Received statement of deposits from the Department of Roads to the Highway Cash fund and Roads Operation Cash fund for December 1993 in compliance with section 66-4,144, R.S. Supp. 1992.

GENERAL FILE

LEGISLATIVE BILL 488. Title read. Considered.

Standing Committee amendment, AM0281, found in the Journal on page 586, First Session, 1993, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 277. Title read. Considered.

Standing Committee amendment, AM0338, found in the Journal on page 639, First Session, 1993, was considered.

Mr. Lindsay moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Pirsch requested a record vote on the Standing Committee amendment.

Voting in the affirmative, 26:

Abboud	Dierks	Janssen	Pirsch	Warner
Avery	Elmer	Jones	Rasmussen	Wehrbein
Bernard-Stevens	Fisher	Kristensen	Robak	Wesely
	Hartnett	Lindsay	Schmitt	Will
Beutler	Hillman	Matzke	Vrtiska	Witek
Cudaback	Hudkins			

Voting in the negative, 9:

Bohlke	Crosby	Hall	Monen	Schimek
Chambers	Day	Lynch	Pedersen	

Present and not voting, 10:

Bromm	Engel	McKenzie	Preister	Schellpeper
Byars	Landis	Moore	Robinson	Wickersham

Excused and not voting, 4:

Ashford	Coordsen	Haberman	Withem

The Standing Committee amendment was adopted with 26 ayes, 9 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

CORRECTED INTERIM STUDY REPORT

Business and Labor

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
95	Unemployment Insurance Increase	X		
133	C. I. R.	X		
108	C. I. R.			X*
244	Workers' Compensation Insurance	X		
223	E. O. C.			X**

*(same as 133)
**(to Appropriations)

RESOLUTION

LEGISLATIVE RESOLUTION 297. Introduced by McKenzie, 34; Robak, 22; Robinson, 16; Moore, 24; Bohlke, 33; Wehrbein, 2.

WHEREAS, ethanol produced from corn is a value-added product that currently utilizes over four hundred fifty million bushels of American corn annually; and

WHEREAS, the use of corn as a value-added product significantly contributes to the creation of American jobs and promotes rural economic development; and

WHEREAS, in 1993 the United States imported over fifty percent of its petroleum products and Nebraska imported over ninety-five percent of the petroleum used within the state; and

WHEREAS, the use of domestically produced renewable energy products such as ethanol will reduce Nebraska's dependance on imported petroleum products; and

WHEREAS, since 1972 the United States has spent 1.3 trillion dollars on imported oil, and the use of domestically produced renewable energy products will reduce the balance of trade deficit; and

WHEREAS, the addition of ethanol to motor gasoline provides oxygen which improves fuel combustion and reduces carbon monoxide, air toxics, and harmful hydrocarbon emissions; and

WHEREAS, the United States Environmental Protection Agency is requiring that nine of the nation's cities with the most severe ground level ozone pollution utilize reformulated gasoline; and

WHEREAS, a number of other states have chosen to adopt the use of reformulated gasoline which is estimated to comprise sixty-five percent of the nation's motor gasoline by the year 2000; and

WHEREAS, the United States Environmental Protection Agency has proposed that thirty percent of the oxygen content of reformulated gasoline come from renewable oxygenates; and

WHEREAS, the United States Environmental Protection Agency has stated that the proposed renewable oxygen standard may increase the demand for ethanol by sixty percent; and

WHEREAS, the adoption of the renewable oxygen standard proposal may increase the demand for ethanol by six hundred million gallons annually which will result in an additional demand for two hundred fifty million bushels of grain for ethanol production; and

WHEREAS, increased demand for grain promotes greater farm income and rural economic development.

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

1. That the members of the Legislature endorse, support, and encourage final adoption of the United States Environmental Protection Agency's renewal oxygen standard proposal which creates and expands markets for ethanol and grain.

Laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1110. Introduced by Vrtiska, 1; Rasmussen, 20.

A BILL FOR AN ACT relating to local health departments; to amend sections 71-1626 to 71-1629, 71-1629.02, and 71-1630, Reissue Revised Statutes of Nebraska, 1943, and section 71-1629.01, Revised Statutes Supplement, 1992; to redefine a term; to change provisions relating to employees, board membership, and termination of a department; to eliminate provisions relating to voter establishment, referendum, and termination election; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1111. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to schools; to adopt the Property Tax Reduction Act; and to declare an emergency.

LEGISLATIVE BILL 1112. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to the Local Option Revenue Act; to amend section 77-27,144, Reissue Revised Statutes of Nebraska, 1943; to change an administrative fee; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1113. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend section 13-503, Revised Statutes Supplement, 1993; to redefine terms; and to repeal the original section.

LEGISLATIVE BILL 1114. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-903, 19-916, and 19-919, Reissue Revised Statutes of Nebraska, 1943, and sections 16-902 and 17-1002, Revised Statutes Supplement, 1993; to change provisions relating to suburban development, city planning, and zoning; to require the filing and recording of certain maps, plats, layouts, and subdivisions; and to repeal the original sections.

LEGISLATIVE BILL 1115. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Byars, 30; Day, 19; Dierks, 40; Matzke, 47; Rasmussen, 20; Vrtiska, 1.

A BILL FOR AN ACT relating to health; to amend sections 71-3502, 71-3505, 71-3515.01, and 71-3515.02, Reissue Revised Statutes of Nebraska, 1943, sections 71-7001, 71-7004, and 71-7012, Revised Statutes Supplement, 1992, and sections 71-3501, 71-3503, and 71-3507, Revised Statutes Supplement, 1993; to change provisions relating to education, training, and testing of persons operating X-ray systems; to define terms; to provide for the licensure of medical radiographers and limited radiographers; to require continuing education; to change provisions relating to mammography; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1116. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to decedent's estates; to amend section 30-2313, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the elective share of a spouse of a nonresident decedent when real estate in this state is involved; and to repeal the original section.

ANNOUNCEMENT

Mr. Wehrbein designates LB 984 as his priority bill.

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 1084	Friday, January 21, 1994	1:30 p.m.
LB 1017	Friday, January 21, 1994	1:30 p.m.
LB 940	Friday, January 21, 1994	1:30 p.m.

(Signed) Chris Beutler, Chairperson

Transportation

LB 873	Monday, January 24, 1994	1:30 p.m.
LB 919	Monday, January 24, 1994	1:30 p.m.
LB 926	Monday, January 24, 1994	1:30 p.m.
LB 929	Monday, January 24, 1994	1:30 p.m.
LB 982	Monday, January 24, 1994	1:30 p.m.
LB 1062	Monday, January 24, 1994	1:30 p.m.
LB 943	Tuesday, January 25, 1994	1:30 p.m.
LB 1059	Tuesday, January 25, 1994	1:30 p.m.
LB 1060	Tuesday, January 25, 1994	1:30 p.m.
LB 1061	Tuesday, January 25, 1994	1:30 p.m.
LB 864	Tuesday, February 1, 1994	1:30 p.m.
LB 990	Tuesday, February 1, 1994	1:30 p.m.
LB 869	Tuesday, February 8, 1994	1:30 p.m.
LB 870	Tuesday, February 8, 1994	1:30 p.m.
LB 1044	Tuesday, February 8, 1994	1:30 p.m.

(Signed) Doug Kristensen, Chairperson

Revenue

LB 1003	Thursday, January 20, 1994	1:30 p.m.
LB 945	Thursday, January 20, 1994	1:30 p.m.
LB 905	Thursday, January 20, 1994	1:30 p.m.
LB 866	Thursday, January 20, 1994	1:30 p.m.
LB 972	Friday, January 21, 1994	1:30 p.m.
LB 1020	Friday, January 21, 1994	1:30 p.m.
LB 897	Friday, January 21, 1994	1:30 p.m.
LB 1088	Friday, January 21, 1994	1:30 p.m.
LB 1083	Friday, January 21, 1994	1:30 p.m.
LB 875	Friday, January 21, 1994	1:30 p.m.
LB 871	Wednesday, January 26, 1994	1:30 p.m.
LB 1072	Wednesday, January 26, 1994	1:30 p.m.
LB 976	Wednesday, January 26, 1994	1:30 p.m.

(Signed) Jerome Warner, Chairperson

Business and Labor

Governor Appointment Monday, January 24, 1994 1:30 p.m.
James D. McFarland - Nebraska Commission of Industrial Relations

(Signed) Chris Abboud, Chairperson

GENERAL FILE

LEGISLATIVE BILL 277. Mr. Bernard-Stevens offered the following amendment:
FA314
Add a period after the word procedures on line 5 page 3.
Strike lines 5 - 10 page three after the word "procedures."

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

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Moore requested a roll call vote on the Bernard-Stevens amendment.

Voting in the affirmative, 25:

Bernard-Stevens	Fisher	Janssen	Rasmussen	Warner
Bohlke	Hall	Landis	Robinson	Wehrbein
Chambers	Hartnett	Matzke	Schellpeper	Wesely
Day	Hillman	Monen	Schimek	Wickersham
Elmer	Hudkins	Pedersen	Schmitt	Will

Voting in the negative, 17:

Abboud	Byars	Engel	Lynch	Preister
Avery	Crosby	Jones	Moore	Vrtiska
Beutler	Cudaback	Kristensen	Pirsch	Witek
Bromm	Dierks			

Present and not voting, 3:

Coordsen	McKenzie	Robak

Excused and not voting, 4:

Ashford	Haberman	Lindsay	Withem

The Bernard-Stevens amendment was adopted with 25 ayes, 17 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Avery moved to bracket LB 277 until January 18, 1994.

Mr. Avery withdrew his motion to bracket.

Advanced to E & R for review with 25 ayes, 4 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 277A. Title read. Considered.

Mr. Bernard-Stevens offered the following amendment:
FA315
Strike line 2 and insert the General Fund for.
Strike in line 3 "Dept. of Correctional" and insert General Fund.
Strike in line 4 "services facility cash fund

The Bernard-Stevens amendment was adopted with 28 ayes, 5 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 25 ayes, 2 nays, 18 present and not voting, and 4 excused and not voting.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 441. Title read. Considered.

Standing Committee amendment, AM0364, found in the Journal on page 647, First Session, 1993, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

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

Mr. Warner withdrew his pending amendment, AM0774, found in the Journal on page 1025, First Session, 1993.

Advanced to E & R for review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 202. Title read. Considered.

Standing Committee amendment, AM0374, found in the Journal on page 652, First Session, 1993, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Vrtiska asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1117. Introduced by Lindsay, 9; Wesely, 26.

A BILL FOR AN ACT relating to child support; to require a payment and performance bond for contracts to collect child support as prescribed.

LEGISLATIVE BILL 1118. Introduced by Cudaback, 36; Engel, 17; Jones, 43; Schmitt, 41; Wehrbein, 2.

A BILL FOR AN ACT relating to the deposit and investment of public funds; to amend sections 23-3547 and 77-2329, Reissue Revised Statutes of Nebraska, 1943, and section 77-2363, Revised Statutes Supplement, 1993; to allow local hospital districts to deposit excess funds as prescribed; to provide powers and duties for the boards of directors and secretary-treasurers of local hospital districts as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1119. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to cities of the second class; to amend section 17-105, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to city council meetings and voting; and to repeal the original section.

LEGISLATIVE BILL 1120. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to transcripts; to amend sections 14-813 and 19-2424, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the costs of transcripts of certain municipal proceedings; and to repeal the original sections.

LEGISLATIVE BILL 1121. Introduced by Hillman, 48; Hall, 7; Pedersen, 39; Wickersham, 49.

A BILL FOR AN ACT relating to motor vehicle drivers license; to amend section 60-6,209, Revised Statutes Supplement, 1993; to change provisions relating to license revocation reduction of term; and to repeal the original section.

NOTICE OF COMMITTEE HEARING
Agriculture

LB 1058	Tuesday, January 25, 1994	1:30 p.m.
LB 950	Tuesday, January 25, 1994	1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Lindsay asked unanimous consent to print the following amendment to LB 903 in the Journal. No objections. So ordered.

AM2704

1. Insert the following new section:

"Sec. 2. That section 24-503, Revised Statutes Supplement, 1993, be amended to read as follows:

24-503. For the purpose of serving the county courts in each county, twelve county judge districts are hereby created:

District No. 1 shall contain the counties of Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, and Richardson;

District No. 2 shall contain the counties of Sarpy, Cass, and Otoe;

District No. 3 shall contain the county of Lancaster;

District No. 4 shall contain the county of Douglas;

District No. 5 shall contain the counties of Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders;

District No. 6 shall contain the counties of Dixon, Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

District No. 7 shall contain the counties of Knox, Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

District No. 8 shall contain the counties of Cherry, Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard;

District No. 9 shall contain the counties of Buffalo and Hall;

District No. 10 shall contain the counties of Fillmore, Adams, Clay, Phelps, Kearney, Harlan, Franklin, Webster, and Nuckolls;

District No. 11 shall contain the counties of

Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas; and

District No. 12 shall contain the counties of Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, Grant, and Deuel.

District 4 shall have ~~eleven~~ twelve county judges. Districts 3, 5, and 12 shall have six county judges. District 11 shall have five county judges. Districts 6 and 9 shall have four county judges. Districts 1, 2, 7, 8, and 10 shall have three county judges.

Judge of the county court shall include any person appointed to the office of county judge or municipal judge prior to July 1, 1985, pursuant to Article V, section 21, of the Constitution of Nebraska.

Any person serving as a municipal judge in district 3 or 4 immediately prior to July 1, 1985, shall be a judge of the county court and shall be empowered to hear only those cases as provided in section 24-517 which the presiding judge of the county court for such district, with the concurrence of the Supreme Court, shall direct.".

2. On page 3, line 5, strike the new matter and reinstate the stricken matter; in line 13 strike "section 24-301.02" and insert "sections 24-301.02 and 24-503"; and in line 14 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

Mr. Lindsay asked unanimous consent to print the following amendment to LB 642 in the Journal. No objections. So ordered.

AM2610

1. Strike section 2.

2. On page 2, line 16, strike "Each" and insert "On and after January 1, 1995, each".

3. On page 3, strike beginning with "seller's" in line 2 through "property" in line 3 and insert "real property's address and legal description".

4. On page 4, line 16, strike "twelve" and insert "thirty-six".

5. On page 5, line 26, strike "a contract binding" and insert "any contract entered into on or after January 1, 1995, which binds".

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 211 in the Journal. No objections. So ordered.

AM2732

1. Insert the following new section:

"Sec. 2. That section 60-484, Revised Statutes

Supplement, 1992, be amended to read as follows:

60-484. (1) Except as otherwise provided in the Motor Vehicle Operator's License Act, no resident of the State of Nebraska shall operate a motor vehicle upon the alleys or highways of the State of Nebraska until the person has obtained an operator's license for that purpose. Application for an operator's license shall be made under oath or affirmation on uniform blanks prepared and furnished by the director to the county treasurers, the examiners of the Department of Motor Vehicles, and any local examiners. The standard application blanks shall be sufficient in form and content to substantially carry out the purposes of the act. In addition to any other information and questions necessary to comply with the requirements and purposes of the act, the application shall include the name, age, post office address, place of residence, date of birth, sex, social security number, and brief description of the applicant and the following:

(a) Do you suffer from any physical defects that would detract from normal ability to safely operate a motor vehicle?

(b) Have you suffered dismemberment of foot, leg, hand, or arm?

(c) Are you subject to vertigo or fainting spells?

(d) Has your operator's license ever been revoked or suspended in Nebraska or in any other state or jurisdiction in the United States and, if so, give date and period of and reason for each such occurrence.

OPTIONAL-YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING QUESTIONS:

(e) Do you wish to make an anatomical gift?*

If so, please complete the following:

I give:

(i) ..... any needed organs or tissues

(ii) ..... only the following organs or tissues

.....

(specify the organ or tissue)

for transplantation, therapy, or medical or dental education or research.

(iii) ..... my body for anatomical study if needed.**

Limitations or special wishes if any .....

(f) Do you wish to receive any additional specific information regarding anatomical gifts?

*An anatomical gift means a gift of all or any part of your body for transplantation, therapy, or medical or dental education or research. For purposes of an anatomical gift, parts of your body include organs, tissues, eyes, bones, arteries, blood, other fluids, and other portions of a human

body. You may make an anatomical gift if you are of sound mind. The anatomical gift is effective upon your death and the consent of your next of kin, guardian, or other person as listed in section 71-4802.

**In order for you to donate your body to the State Anatomical Board, you must complete a bequeathal form which is available from the board.

.....	.....
Signature of Donor	Date of Birth of Donor
.....	.....
Date Signed	City and State
.....	.....
Witness	Witness

(2) The social security number shall not be printed on the operator's license and shall be used only (a) to furnish driver record information to the United States Selective Service System under section 60-483, (b) with the permission of the director in connection with the verification of the status of an individual's driving record in this state or any other state, or (c) for purposes of child support enforcement pursuant to section 42-358.08 or 43-512.06.

(3) ~~Each~~ Except for an individual under the age of eighteen years, each individual ~~who is~~ making an application for an operator's license or a state identification card shall furnish proof of date of birth and identity by a valid Nebraska operator's license, a valid Nebraska learner's permit, a valid Nebraska school permit, a valid operator's license from another state or jurisdiction of the United States, a certified birth certificate, a valid United States passport, a valid United States military identification card, United States military discharge papers, or other United States-based identification as approved by the director. Any individual under the age of eighteen years making application for an operator's license or a state identification card shall provide either a certified copy of his or her birth certificate or other reliable proof of his or her identity and age accompanied by an affidavit signed by a parent or guardian explaining the inability to produce a copy of such birth certificate. ~~A parent or legal guardian of any applicant under the age of eighteen years may sign an affidavit located on the application for an operator's license affirming such applicant's date of birth and identity.~~ The applicant may be required to furnish proof to the examiner that the parent or guardian signing any written information is in fact the parent or guardian of such applicant.".

2. On page 2, line 3; and page 3, lines 20 and 21, strike "4 to 7" and insert "5 to 8".

3. On page 6, line 5, strike "4 to 6" and insert "5 to 7".

4. On page 11, line 3, after the first comma insert "60-484,".

5. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Bromm asked unanimous consent to have his name added as cointroducer to LB 37. No objections. So ordered.

Mr. Cudaback and Mrs. Bohlke asked unanimous consent to have their names added as cointroducers to LB 241. No objections. So ordered.

Messrs. Robinson and Moore asked unanimous consent to have their names added as cointroducers to LB 76. No objections. So ordered.

ADJOURNMENT

At 3:38 p.m., on a motion by Mr. Pedersen, the Legislature adjourned until 9:00 a.m., Tuesday, January 18, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTH DAY - JANUARY 18, 1994

LEGISLATIVE JOURNAL

EIGHTH DAY - JANUARY 18, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 18, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Lauren D. Ekdahl, Trinity United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Wickersham who was excused; and Messrs. Abboud, Avery, Beutler, Byars, Hall, Kristensen, Landis, Lindsay, Lynch, Moore, Warner, Wesely, Will, Mmes. Pirsch, Rasmussen, Robak, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 846. Placed on Select File.
LEGISLATIVE BILL 847. Placed on Select File.
LEGISLATIVE BILL 848. Placed on Select File.
LEGISLATIVE BILL 849. Placed on Select File.
LEGISLATIVE BILL 850. Placed on Select File.
LEGISLATIVE BILL 851. Placed on Select File.
LEGISLATIVE BILL 852. Placed on Select File.
LEGISLATIVE BILL 853. Placed on Select File.
LEGISLATIVE BILL 854. Placed on Select File.
LEGISLATIVE BILL 855. Placed on Select File.
LEGISLATIVE BILL 856. Placed on Select File.

LEGISLATIVE BILL 857. Placed on Select File.

(Signed) Janis McKenzie, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 298. Introduced by Fisher, 35.

WHEREAS, the Grand Island Central Catholic volleyball team won the Class B championship with a season record of 30-2; and

WHEREAS, the Grand Island Central Catholic boys' tennis team, including singles winner C.J. Cowgill, was Class B runner-up in the state meet.

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

1. That the Legislature congratulates the Grand Island Central Catholic volleyball team and Coach Sharon Zavala.

2. That the Legislature congratulates the Grand Island Central Catholic tennis team, state singles winner C.J. Cowgill, and Coach Bill Gavers.

3. That a copy of this resolution be sent to Grand Island Central Catholic High School.

Laid over.

NATURAL RESOURCES DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1993 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Middle Niobrara Natural Resources District	None

RESOLUTIONS

LEGISLATIVE RESOLUTION 297. Read. Considered.

LR 297 was adopted with 24 ayes, 0 nays, and 25 not voting.

LEGISLATIVE RESOLUTION 289. Read. Considered.

Mr. Chambers requested a ruling of the Chair on whether LR 231, as passed in the 1990 Legislative Session, is still in effect thus making consideration of LR 289 necessary.

The Chair noted that in the absence of a specific rule or specific language governing the continuing effect of a legislative resolution, that Mason's Manual of Legislative Procedure generally provides that resolutions do not continue in effect beyond the duration of that Legislature.

Mr. Chambers asked unanimous consent to pass over LR 289. No objections. So ordered.

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

MOTION - Withdraw LR 280CA

Mmes. Crosby, Witek, Messrs. Wehrbein, and Moore renewed their pending motion, found in the Journal on page 289, to withdraw LR 280CA.

The motion to withdraw LR 280CA prevailed with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1122. Introduced by Avery, 3; Jones, 43; McKenzie, 34; Vrtiska, 1.

A BILL FOR AN ACT relating to petroleum release remedial action; to amend sections 66-1518 and 66-1525, Revised Statutes Supplement, 1993; to provide duties for the Department of Environmental Quality; to provide for a schedule of rates and its use; and to repeal the original sections.

LEGISLATIVE BILL 1123. Introduced by Lynch, 13; Byars, 30; Hartnett, 45.

A BILL FOR AN ACT relating to rehabilitation technology and services; to amend section 79-1448, Reissue Revised Statutes of Nebraska, 1943, and section 60-302, Revised Statutes Supplement, 1993; to adopt the Comprehensive Rehabilitation and Assistive Technology Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1124. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 74-424, Reissue Revised Statutes of Nebraska, 1943, and sections 81-805 and 81-815.60, Revised Statutes Supplement, 1993;

to provide powers and duties relating to railroad rights-of-way and recreational trails; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1125. Introduced by Haberman, 44.

A BILL FOR AN ACT relating to power districts; to prohibit lot fees in certain lease agreements.

LEGISLATIVE BILL 1126. Introduced by Withem, 14.

A BILL FOR AN ACT relating to the Comprehensive Health Insurance Pool Act; to amend section 44-4228, Revised Statutes Supplement, 1992; to provide additional pool coverage; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1127. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to municipalities; to amend sections 14-101, 15-101, 16-101, 17-101, 17-201, 18-1753, 18-1754, 18-2603, 39-2513, 39-2517, and 77-27,137.01, Revised Statutes Supplement, 1993; to provide a procedure for determining population; to change provisions relating to population; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1128. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to energy; to amend sections 70-1025 and 70-1026, Reissue Revised Statutes of Nebraska, 1943, and section 70-1020, Revised Statutes Supplement, 1993; to state intent; to define terms; to provide powers and duties to the Nebraska Power Review Board relating to renewable energy, job creation, utility planning, and energy conservation; to authorize an assessment; to harmonize provisions; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 286. Mr. Hall asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 660. Mrs. Bohlke renewed her pending amendment, AM2724, found in the Journal on page 318, as amended.

The Bohlke amendment, as amended, lost with 4 ayes, 27 nays, 8 present and not voting, and 10 excused and not voting.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 17 nays, and 9 not voting.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mrs. Crosby requested a record vote on the advancement of the bill.

Voting in the affirmative, 28:

Ashford	Elmer	Lindsay	Pedersen	Schmitt
Bromm	Engel	Lynch	Pirsch	Vrtiska
Byars	Hartnett	Matzke	Preister	Wehrbein
Crosby	Janssen	McKenzie	Robak	Witek
Cudaback	Jones	Monen	Robinson	Withem
Dierks	Kristensen	Moore		

Voting in the negative, 12:

Bernard-Stevens	Bohlke	Hall	Landis	Schimek
	Day	Hillman	Rasmussen	Wesely
Beutler	Fisher	Hudkins		

Present and not voting, 3:

Chambers	Haberman	Schellpeper

Excused and not voting, 6:

Abboud	Coordsen	Warner	Wickersham	Will
Avery				

Advanced to E & R for review with 28 ayes, 12 nays, 3 present and not voting, and 6 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1129. Introduced by Matzke, 47.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1992; to create the offense of hazing; to define terms; to provide penalties; and to repeal the original section.

LEGISLATIVE BILL 1130. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-106, Revised Statutes Supplement, 1993; to change

provisions relating to the designation of lots in additions; and to repeal the original section.

LEGISLATIVE BILL 1131. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Community Improvements Cash Fund; to amend section 81-15,113.01, Revised Statutes Supplement, 1993; to change the date to receive funds as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1132. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1111, Revised Statutes Supplement, 1993; to provide for a transactional exemption in accordance with federal Regulation D, Rule 504, as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1133. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Campaign Finance Limitation Act; to amend sections 32-1605 and 49-14,123, Revised Statutes Supplement, 1992, and sections 32-1603, 32-1604, 32-1606 to 32-1608, 32-1610, and 49-1455, Revised Statutes Supplement, 1993; to redefine terms; to change spending limits; to change the election period for which public funds are available; to provide a limit on available public funds; to eliminate penalties and restrictions; to change the limit on certain contributions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1134. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Campaign Finance Limitation Cash Fund.

LEGISLATIVE BILL 1135. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Campaign Finance Limitation Act; to amend section 32-1605, Revised Statutes Supplement, 1992, and sections 32-1603, 32-1604, 32-1606, 32-1608, and 49-1455, Revised Statutes Supplement, 1993; to redefine terms; to change spending limits; to change the election period for which public funds are available; to change the limit on certain contributions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1136. Introduced by Byars, 30.

A BILL FOR AN ACT relating to developmental disabilities services; to amend section 83-1216, Revised Statutes Supplement, 1993; to state

and restate intent; to appropriate funds; and to repeal the original section.

LEGISLATIVE BILL 1137. Introduced by Byars, 30.

A BILL FOR AN ACT relating to psychologists; to amend sections 11-201, 43-129, 43-146.03, 71-1,208, 71-1,210, 71-1,220, 72-1237.01, and 83-1052, Reissue Revised Statutes of Nebraska, 1943, sections 71-1,103, 71-1,209, 83-1010, and 83-1040, Revised Statutes Supplement, 1992, and sections 27-504, 71-101, 71-139.02, 71-1,305, 71-1,307, 71-1,310, 71-1,312, 71-1,314, and 71-1,329, Revised Statutes Supplement, 1993; to change, transfer, and eliminate provisions relating to the licensure of psychologists; to define terms; to provide exemptions; to provide penalties; to provide confidentiality requirements, immunity from liability, a duty to warn, and continuing education requirements; to provide an operative date; to provide severability; and to repeal the original sections, and also sections 44-513.01, 71-1,206, 71-1,211 to 71-1,214, 71-1,218, 71-1,219, and 71-1,221 to 71-1,226, Reissue Revised Statutes of Nebraska, 1943, and section 71-1,207, Revised Statutes Supplement, 1993.

LEGISLATIVE BILL 1138. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to educational service units; to amend section 79-2225, Revised Statutes Supplement, 1993; to provide for access for public libraries to telecomputing resources; and to repeal the original section.

UNANIMOUS CONSENT - Print in Journal

Mr. Vrtiska asked unanimous consent to print the following amendment to LB 252 in the Journal. No objections. So ordered.

AM2735

1. On page 3, line 4, strike "shall" and insert "may" and after the period insert "When determining whether to award attorney's fees, the court shall consider whether the intent of the defendant moving for transfer to the regular docket was capricious in nature.".

Mr. Beutler asked unanimous consent to print the following amendment to LB 125 in the Journal. No objections. So ordered.

AM2730

1. Insert the following new section:

"Sec. 4. It shall be an affirmative defense in any action brought for violation of section 2 of this act that the person against whom such action is brought was not trespassing at the time of the alleged intentional interference or

attempted interference and was engaged in a lawful activity in conflict with hunting, trapping, or fishing or activity associated with hunting, trapping, or fishing as described in such section.".

2. On page 2, line 4, strike "and 3" and insert "to 4".

3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 461. Title read. Considered.

Standing Committee amendment, AM0284, found in the Journal on page 639, First Session, 1993, was considered.

Mr. Pedersen withdrew his pending amendment, AM0512, found in the Journal on page 915, First Session, 1993, to the Standing Committee amendment.

Mr. Pedersen offered the following amendment to the Standing Committee amendment:
FA316

1. On pg 2, line 5 of AM0284, strike "Three" and insert "two";
2. On line 6, insert "(7) one person who at the time of his or her appointment is serving as an administrator responsible for the operation and maintenance of a juvenile detention facility; and (8)"

The Pedersen amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 376. Title read. Considered.

Standing Committee amendment, AM0461, found in the Journal on page 724, First Session, 1993, lost with 0 ayes, 18 nays, 27 present and not voting, and 4 excused and not voting.

Mr. Wesely renewed his pending amendment, AM1983, printed separately from the Journal and referred to on page 2112, First Session, 1993.

The Wesely amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 858. Placed on Select File as amended.
E & R amendment to LB 858:
AM5602

1. Insert the following new section:

"Sec. 2. That section 79-101.02, Revised Statutes Supplement, 1992, be amended to read as follows:

79-101.02. For purposes of sections 10-716.01, 79-101.01, 79-101.02, 79-402.11, 79-402.13 to 79-402.20, 79-426.17, 79-426.28, 79-437.03, ~~79-438.08,~~ 79-438.12, 79-490, and 79-4,222:

(1) Elementary school facility shall mean the educational facility used to provide services for students in grades kindergarten through eight in an affiliated school system;

(2) High school district shall mean the Class II, III, IV, or V district which provides the high school program for an affiliated Class I district;

(3) High school facility shall mean the educational facility used to provide services for students in grades nine through twelve in an affiliated school system;

(4) High school program shall mean the educational services provided in an affiliated school system for grades nine through twelve; and

(5) High school students shall mean students enrolled in a high school program.".

2. On page 1, line 1; and page 23, line 8, after "sections" insert "79-101.02,".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 859. Placed on Select File.

LEGISLATIVE BILL 248. Placed on Select File as amended.
E & R amendment to LB 248:
AM5600

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Contractor Registration Act.

Sec. 2. It is the intent of the Legislature that

all contractors doing business in the State of Nebraska be registered with the department. It is not the intent of the Legislature to endorse the quality or performance of services provided by any individual contractor.

Sec. 3. For purposes of the Contractor Registration Act:

(1) Commissioner shall mean the Commissioner of Labor;

(2) Construction shall mean new work, additions, alterations, reconstruction, installations, and repairs performed at one or more different sites which may be dispersed geographically;

(3) Contractor shall mean a person who engages in the business of construction and shall include a subcontractor, a general contractor, and any other person arranging for the performance of construction. A person who earns less than one thousand dollars annually or who performs work or has work performed on the person's own property shall not be a contractor for purposes of the act;

(4) Department shall mean the Department of Labor; and

(5) Working days shall mean Mondays through Fridays but shall not include Saturdays, Sundays, or federal or state holidays. In computing fifteen working days, the day of receipt of any notice shall not be included and the last day of the fifteen working days shall be included.

Sec. 4. Before performing any construction work in this state, a contractor shall be registered with the department. If a contractor does business under more than one name, the contractor shall obtain a registration number for each name under which the contractor is doing business.

Sec. 5. Each contractor shall apply to the department for a registration number on an application form provided by the department. The application shall contain the following information:

(1) The name of the contractor;

(2) The principal place of business of the contractor in Nebraska. If the contractor's principal place of business is outside Nebraska, the application shall state the address of the contractor's principal place of business and the name and address of the contractor's registered agent in Nebraska;

(3) The telephone number of the contractor in the State of Nebraska. If the contractor's principal place of business is outside Nebraska, the application shall state the telephone number of the contractor's principal place of business and the telephone number of the contractor's registered agent in Nebraska;

(4) The type of business entity of the contractor

such as corporation, partnership, limited liability company, sole proprietorship, or trust;

(5) The following information about the business entity:

(a) If the contractor is a corporation, the name, address, telephone number, and position of each officer of the corporation; and

(b) If the contractor is other than a corporation, the name, address, and telephone number of each owner;

(6) Proof of (a) a certificate or policy of insurance written by an insurance carrier duly authorized to do business in this state which gives the effective dates of workers' compensation insurance coverage indicating that it is in force or (b) a certificate evidencing approval of self-insurance privileges as provided by the Nebraska Workers' Compensation Court pursuant to section 48-145; and

(7) A description of the business which includes the employer's standard industrial classification code or the principal products and services provided.

Each application shall be renewed annually upon payment of the fee prescribed in section 8 of this act.

Sec. 6. (1) Before performing any construction work in this state pursuant to a contract or contracts of five thousand dollars or more in value, an out-of-state contractor shall file a surety bond with the department for each such contract. The bond shall be the greater of (a) one thousand dollars or (b) five percent of the value of each such contract or contracts.

(2) The surety bond shall not be released until the contractor has made payment of all taxes, including contributions due under the unemployment compensation insurance system, penalties, interest, and related fees, which may accrue to the State of Nebraska or its political subdivisions on account of the execution and performance of the contract.

(3) Prior to releasing a surety bond, the commissioner shall notify the Department of Revenue, the job training program of the Department of Labor, and any other applicable state agency or division of the intent to release the surety bond. The commissioner shall provide ten days for the filing of objections to the release of the surety bond.

Sec. 7. (1) A contractor shall report to the commissioner any change in the information originally reported on or with the application under section 5 of this act within fifteen days of the change, except that the contractor shall notify the commissioner of changes in workers' compensation insurance coverage at least ten days prior to any change in coverage.

(2) After the time specified in subsection (1) of

this section, the commissioner, with good cause shown, may determine that amendments may be made to correct an application.

(3) Amendments to applications shall not be permitted when a change occurs in the business classification such as a change from a sole proprietorship to a corporation.

Sec. 8. (1) Each application or renewal under section 5 of this act shall be accompanied by a fee of twenty-five dollars. The fee shall not be required when an amendment to an application is submitted.

(2) A contractor shall not be required to pay the fee if the application contains an affidavit which shows the contractor is self-employed and does not pay more than one thousand dollars annually to employ other persons in the business. The affidavit shall contain (a) a statement that the contractor is self-employed, (b) a list of all employees employed in the past twelve-month period and the amount paid to each employee, and (c) a list of all current employees. At any time that a contractor no longer qualifies for exemption from the fee, the fee shall be paid to the department.

Sec. 9. Within thirty days of receipt of a completed application, the commissioner shall issue to the contractor a registration number. The registration number shall be a five-digit number followed by a two-digit number indicating the year of issuance.

Sec. 10. Any insurance company carrying a contractor's workers' compensation insurance policy shall notify the department in case of cancellation by either the insurance company or the contractor of such policy. The notice shall contain (1) the name of the insurance carrier, (2) the name of the insured contractor, and (3) the date the cancellation is effective. Contractors who are approved by the Nebraska Workers' Compensation Court for self-insurance shall notify the department at least ten days prior to the termination of such self-insurance.

Sec. 11. (1) The commissioner may make investigations he or she finds necessary or appropriate to determine if there is compliance with the Contractor Registration Act. Investigations shall take place at the times and places as the commissioner directs. For purposes of any investigation under this section, the commissioner may interview persons at the work site, take photographs, and utilize other reasonable investigatory techniques. The conduct of the investigation shall be such as to preclude unreasonable disruption of the operations of the work site. Investigations may be conducted, without prior notice, by correspondence, telephone conversations, or review of materials submitted to the department.

(2) For purposes of any investigation or proceeding

under this section, the commissioner or any officer designated by him or her may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the commissioner deems relevant or material to the inquiry.

(3) In case of contumacy by or refusal to obey a subpoena issued to any person, any court of competent jurisdiction, upon application by the commissioner, may issue to such person an order requiring him or her to appear before the commissioner or the officer designated by the commissioner and produce documentary evidence if so ordered or give evidence touching the matter under investigation or in question. Any failure to obey the order of the court may be punished by the court as a contempt.

Sec. 12. Written complaints regarding the registration of a contractor made to the commissioner in which the complainant provides his or her name and address shall receive a written response as to the results of the investigation. A complainant's name and other identifying information shall not be released if the complaint was included as a part of another complaint when the complainant's identity would be protected under other statutes or rules and regulations.

Sec. 13. (1) The commissioner shall issue a citation to a contractor when an investigation reveals that the contractor has violated:

(a) The requirement that the contractor be registered; or

(b) The requirement that the contractor's registration information be substantially complete and accurate.

(2) If a citation is issued, the commissioner shall notify the contractor by certified mail of the proposed administrative penalty, if any. The administrative penalty shall be not more than five hundred dollars in the case of a first violation and not more than five thousand dollars in the case of a second or subsequent violation.

(3) The contractor shall have fifteen working days from the date of the citation or penalty to contest such citation or penalty. Notice of contest shall be sent to the commissioner who shall provide a hearing pursuant to the Administrative Procedure Act.

Sec. 14. There is hereby created the Contractor Registration Cash Fund to be administered by the department. The fund shall consist of such sums as are appropriated to it by the Legislature and any fees collected in the administration of the Contractor Registration Act. All funds collected shall be remitted to the State Treasurer for credit

to the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 15. The commissioner shall issue a notice of revocation of registration to a contractor when an investigation reveals that the contractor no longer meets the conditions of registration set out in section 5 of this act by failure to maintain compliance with the laws of this state relating to workers' compensation insurance coverage. If the commissioner receives a notice of cancellation of workers' compensation insurance coverage, the commissioner shall revoke the registration as of the time of cancellation unless the contractor provides a new certification of insurance prior to the cancellation date.

Sec. 16. The commissioner shall serve notice of revocation on the contractor by mailing such notice by certified mail to the address of the contractor or the contractor's registered agent listed in the application. Upon a showing of compliance with the application requirements set out in section 5 of this act, the commissioner may temporarily reinstate the registration pending a hearing on the revocation. A registration revoked under this section shall not be permanently reinstated. To receive a new registration number, the contractor shall reapply to the commissioner.

Sec. 17. The Contractor Registration Act shall not apply to the state or any political subdivision thereof.".

2. On page 1, strike beginning with "provide" in line 1 through "Labor" in line 3 and insert "adopt the Contractor Registration Act".

LEGISLATIVE BILL 248A. Placed on Select File as amended.
E & R amendment to LB 248A:
AM5601

1. On page 1, line 3; and page 2, line 6, strike "First Session, 1993" and insert "Second Session, 1994".

2. On page 2, lines 3 and 9, strike "FY1993-94" and insert "FY1994-95"; in lines 4 and 9 strike "FY1994-95" and insert "FY1995-96"; and in line 10 strike "1994" and insert "1995".

LEGISLATIVE BILL 737. Placed on Select File as amended.
E & R amendment to LB 737:
AM5603

1. In the Standing Committee amendments, AM0748,

a. On page 5, line 26, strike "the county of Sarpy" and insert "Sarpy County"; and

b. On page 6, line 4, after the fourth comma insert "and" and strike the last comma.

2. On page 1, strike beginning with "their" in line

3 through "commission" in line 6 and insert "the boundaries of the districts of the commission;".

LEGISLATIVE BILL 754. Placed on Select File as amended.
E & R amendment to LB 754:
AM5604

1. On page 1, line 2, strike the first "and"; and in line 3 after "Insurance" insert "; and to create a fund".
2. On page 2, line 23, after "pool" insert a comma.
3. On page 3, line 2, strike "director" and insert "Director of Insurance".
4. On page 4, line 13, strike "unless" and insert ", except that if"; and after "is" insert a comma.

LEGISLATIVE BILL 754A. Placed on Select File as amended.
E & R amendment to LB 754A:
AM5605

1. On page 1, line 3; and page 2, lines 5 and 6, strike "First Session, 1993" and insert "Second Session, 1994".
2. On page 2, lines 2 and 9, strike "FY1993-94" and insert "FY1994-95"; and in lines 3 and 9 strike "FY1994-95" and insert "FY1995-96".

LEGISLATIVE BILL 254. Placed on Select File as amended.
E & R amendment to LB 254:
AM5606

1. On page 1, strike beginning with "warrant" in line 1 through "and" in line 2 and insert "law enforcement; to amend"; in line 3 after "for" insert "law enforcement and"; strike beginning with "by" in line 5 through "apprehend" in line 6 and insert "as prescribed; to require liability insurance"; and in line 7 strike "sections" and insert "section".

(Signed) Janis McKenzie, Chairperson

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 446. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2684.)

LEGISLATIVE BILL 621. Placed on General File as amended.
Standing Committee amendment to LB 621:
AM2721

1. On page 3, reinstate the stricken matter and in line 8 after the reinstated "policy" insert "but shall not

include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (1)(a) of this section".

2. On page 5, line 4, after the stricken "of" insert "or who attends or remains at a meeting knowing that the public body is in violation of" and in lines 5 through 7 strike the new matter and reinstate the stricken matter.

LEGISLATIVE BILL 55. Indefinitely postponed.
LEGISLATIVE BILL 428. Indefinitely postponed.
LEGISLATIVE BILL 565. Indefinitely postponed.
LEGISLATIVE BILL 729. Indefinitely postponed.
LEGISLATIVE BILL 747. Indefinitely postponed.
LEGISLATIVE BILL 765. Indefinitely postponed.

LEGISLATIVE RESOLUTION 11CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 14CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 26CA. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1139. Introduced by Hartnett, 45; Avery, 3; Pedersen, 39; Withem, 14.

A BILL FOR AN ACT relating to counties; to amend sections 81-15,150, 81-15,152, 81-15,155, and 81-15,158, Revised Statutes Supplement, 1992, and section 81-15,153, Revised Statutes Supplement, 1993; to define a term; to authorize counties to own, construct, and operate a sewerage disposal system and plant or plants as prescribed; to authorize a tax levy for such purpose; to authorize issuance of revenue bonds; to authorize rate charges; to authorize cities and villages to assume title and liabilities of such sewerage disposal systems as prescribed; to include counties in the Wastewater Treatment Facilities Construction Assistance Act; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1140. Introduced by Hillman, 48; Ashford, 6; Beutler, 28; Bromm, 23; Hall, 7; Matzke, 47; Monen, 4.

A BILL FOR AN ACT relating to civil actions; to amend sections 24-734, 25-1227, 25-1240, and 43-1736, Reissue Revised Statutes of Nebraska, 1943, and section 43-278, Revised Statutes Supplement, 1992; to provide for testimony by telephone and audiovisual means as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1141. Introduced by Fisher, 35.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-402, Uniform Commercial Code; to change the signature requirements for an amendment to a financing statement changing the name or address of the secured party; and to repeal the original section.

LEGISLATIVE BILL 1142. Introduced by Pedersen, 39; Bromm, 23; Fisher, 35; Hartnett, 45; Hudkins, 21; Janssen, 15; Robak, 22; Schellpeper, 18.

A BILL FOR AN ACT relating to probation; to amend sections 29-2246 and 29-2256, Reissue Revised Statutes of Nebraska, 1943, sections 29-2259.01 and 29-2269, Revised Statutes Supplement, 1992, and section 29-2262, Revised Statutes Supplement, 1993; to eliminate a restriction on the appointment of juvenile probation officers; to provide another condition of probation; to harmonize provisions; and to repeal the original sections, and also section 43-2,123.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1143. Introduced by Schimek, 27; Withem, 14.

A BILL FOR AN ACT relating to elections; to amend sections 32-216, 32-216.02, 32-217, 32-221, 32-224, 32-232, 32-265, 32-471, 32-830, 32-1048, 32-1052, and 32-1301.01, Reissue Revised Statutes of Nebraska, 1943, sections 60-484 and 60-4,144, Revised Statutes Supplement, 1992, and sections 60-4,120, 60-4,130, 60-4,130.02, and 60-4,181, Revised Statutes Supplement, 1993; to change provisions relating to registration of voters and voting by certain registered voters; to provide powers and duties for state and county agencies; to provide for verification of voter lists; to create a fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1144. Introduced by Bromm, 23; Jones, 43; Robak, 22; Robinson, 16.

A BILL FOR AN ACT relating to motor fuel; to amend sections 66-489 and 66-4,105, Revised Statutes Supplement, 1992; to change tax rates as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1145. Introduced by Lynch, 13; Moore, 24.

A BILL FOR AN ACT relating to state government; to amend section 81-1108.43, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1108.15, 81-1108.16, and 81-1108.41, Revised Statutes Supplement, 1992; to provide for development and use of a state comprehensive capital facilities plan; to provide for a committee; to change provisions

relating to capital construction; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1146. Introduced by Rasmussen, 20.

A BILL FOR AN ACT relating to special education; to amend section 79-3349, Reissue Revised Statutes of Nebraska, 1943; to provide for reimbursement for certain hearing costs for school districts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1147. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend section 45-1,109, Reissue Revised Statutes of Nebraska, 1943, and sections 1-201, 2-105, 2-601, 2-602, 2-712, 9-104, 9-105, and 9-402, Uniform Commercial Code; to define and redefine terms; to provide for the treatment of computer data and computer code under the Uniform Commercial Code; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1148. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to child abuse and neglect; to amend section 28-710, Revised Statutes Supplement, 1992; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 1149. Introduced by Hall, 7; Day, 19; Lindsay, 9; McKenzie, 34; Will, 8.

A BILL FOR AN ACT relating to dietetics and nutrition; to amend sections 71-1,285, 71-1,286, 71-1,288, and 71-1,292 to 71-1,294, Reissue Revised Statutes of Nebraska, 1943, and sections 71-101, 71-102, 71-107, 71-114, 71-131, and 71-162, Revised Statutes Supplement, 1993; to change the practice name to dietetics and nutrition; to provide for licensure of dietitians; to define and redefine terms; to harmonize provisions; to provide an operative date; to eliminate obsolete provisions; and to repeal the original sections, and also section 71-1,291, Reissue Revised Statutes of Nebraska, 1943.

RESOLUTION

LEGISLATIVE RESOLUTION 299CA. Introduced by Witek, 31.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval

the following amendment to the Constitution of Nebraska to add a new section 28 to Article I:

I-28 "Parents of this state shall have the right and the duty to direct the upbringing of their children.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide parents with the right and duty to direct the upbringing of their children.

For

Against".

Referred to the Reference Committee.

GENERAL FILE

LEGISLATIVE BILL 414. Title read. Considered.

Standing Committee amendment, AM0475, found in the Journal on page 749, First Session, 1993, was considered.

Mr. Kristensen renewed his pending amendment, AM0955, found in the Journal on page 1296, First Session, 1993, to the Standing Committee amendment.

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

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler offered the following amendment:
AM2728

1. Insert the following new sections:

"Sec. 135. That section 84-901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-901. ~~As used in~~ For purposes of the Administrative Procedure Act:

(1) Agency shall mean each board, commission, department, officer, division, or other administrative office or unit of the state government authorized by law to make rules and regulations, except the Adjutant General's office as provided in Chapter 55, the courts including the Nebraska Workers' Compensation Court, the Commission of Industrial Relations, the Legislature, and the Secretary of State with

respect to the duties imposed by the Administrative Procedure Act;

(2) Rule or regulation shall mean any rule, regulation, or standard issued by an agency, including the amendment or repeal thereof whether with or without prior hearing and designed to implement, interpret, or make specific the law enforced or administered by it or governing its organization or procedure. Rule or regulation shall not include (a) ~~, but not including~~ rules and regulations concerning the internal management of the agency not affecting private rights, private interests, or procedures available to the public or (b) ~~and not including~~ permits, certificates of public convenience and necessity, franchises, rate orders, and rate tariffs~~,~~ and any rules of interpretation thereof. For purposes ~~, and for the purpose~~ of the Administrative Procedure Act, every rule and regulation which ~~shall prescribe~~ prescribes a penalty shall be presumed to have general applicability or to affect private rights and interests; ~~and~~

(3) Contested case shall mean a proceeding before an agency in which the legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined after an agency hearing; and

(4) Ex parte communication shall mean an oral or written communication which is not on the record in a contested case with respect to which reasonable notice to all parties was not given. Filing and notice of filing provided under subdivision (6)(d) of section 84-914 shall not be considered on the record and reasonable notice for purposes of this subdivision. Ex parte communication shall not include:

(a) Communications which do not pertain to the merits of a contested case;

(b) Communications required for the disposition of ex parte matters as authorized by law; and

(c) Communications in a ratemaking or rule-making proceeding.

Sec. 136. That section 84-914, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-914. In contested cases:

(1) An agency may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. ~~It shall give effect to the rules of privilege recognized by law. It may~~ and exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence. An agency shall give effect to the rules of privilege recognized by law. Any party to a formal hearing before ~~such~~ an agency, from which a decision may be appealed to the courts of this state, may request that ~~such~~ the agency be bound by the rules of evidence applicable in district court by delivering to ~~such~~ the agency at least

three days prior to the holding of ~~such~~ the hearing a written request therefor. Such request shall include the requesting party's agreement to be liable for the payment of costs incurred thereby and upon any appeal or review thereof, including the cost of court reporting services which the requesting party shall procure for the hearing. All costs of a formal hearing shall be paid by the party or parties against whom a final decision is rendered;

(2) An agency may administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents, and testimony, and cause ~~the~~ depositions to be taken of witnesses residing either within or without the state ~~to be taken~~ in the manner prescribed by law for taking depositions in civil actions in ~~the~~ district court;

(3) All evidence including records and documents in the possession of the agency of which it desires to avail itself shall be offered and made a part of the record in the case. No ~~other~~ factual information or evidence other than the record shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts or ~~by incorporation~~ incorporated by reference;

(4) Every party shall have the right of cross-examination of witnesses who testify and shall have the right to submit rebuttal evidence; ~~and~~

(5) An agency may take ~~notice of judicially cognizable fact~~ official notice of cognizable facts and in addition may take official notice of general, technical, or scientific facts within its specialized knowledge and the rules and regulations adopted and promulgated by such agency. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of ~~the~~ material so noticed. ~~They~~ Parties shall be afforded an opportunity to contest ~~the~~ facts so noticed. The record shall contain a written record of everything officially noticed. An agency may utilize its experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to it; and

(6)(a) No party in a contested case or other person outside the agency having an interest in the contested case shall make or knowingly cause to be made an ex parte communication to the hearing officer or to an agency head or employee who is or may reasonably be expected to be involved in the decisionmaking process of the contested case.

(b) No hearing officer or agency head or employee who is or may reasonably be expected to be involved in the decisionmaking process of the contested case shall make or knowingly cause to be made an ex parte communication to any party in a contested case or other person outside the agency

having an interest in the contested case.

(c) No agency head or employee engaged in the investigation or enforcement of a contested case shall make or knowingly cause to be made an ex parte communication to a hearing officer or agency head or employee who is or may reasonably be expected to be involved in the decisionmaking process of the contested case.

(d) The hearing officer or agency head or employee who is or may reasonably be expected to be involved in the decisionmaking process of the contested case who receives or who makes or knowingly causes to be made an ex parte communication set forth in subdivisions (6)(a) through (c) of this section shall file in the record of the contested case (i) all such written communications, (ii) memoranda stating the substance of all such oral communications, and (iii) all written responses and memoranda stating the substance of all oral responses to all the ex parte communications. The filing shall be made within two working days of the receipt or making of the ex parte communication. Notice of the filing, with an opportunity to respond, shall be given to all parties of record.

(e) The prohibitions of subdivision (6) of this section shall apply beginning at the time notice for hearing is given. An agency may designate an earlier time, but such earlier time shall be required to be set forth in the agency's rules of procedure.

(f) The prohibitions contained in subdivisions (6)(a) and (b) of this section shall not apply to ex parte communications to or from an elected official. However, the disclosure requirements contained in subdivision (6)(d) of this section shall apply to ex parte communications to or from an elected official.".

2. On page 86, line 27, strike "and" and after the last comma insert "84-901, and 84-914,".

3. Renumber the remaining section accordingly.

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

SPEAKER WITHEM PRESIDING

The Beutler amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 594. Title read. Considered.

Standing Committee amendment, AM0490, found in the Journal on page 758, First Session, 1993, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 407. Title read. Considered.

Standing Committee amendment, AM0495, found in the Journal on page 758, First Session, 1993, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 379. Title read. Considered.

Standing Committee amendment, AM0477, found in the Journal on page 758, First Session, 1993, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Messrs. Hall, Coordsen, and Abboud asked unanimous consent to print the following amendment to LB 286 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2749.)

Mr. Withem asked unanimous consent to print the following amendment to LB 76 in the Journal. No objections. So ordered.

AM2080

(Amendments to Standing Committee amendments, AM1741)

1. On page 5, strike beginning with "The" in line 16 through the underscored period in line 19.

2. On page 6, strike beginning with "strike" in line 3 through "in" in line 6; and in line 6 after "25" insert a comma.

3. On page 10, line 15, after the semicolon insert "and"; in line 16 strike "and"; and strike beginning with the

semicolon in line 16 through "15" in line 18.

4. On page 12, line 16, after "2" insert "and insert 'The election commissioner or county clerk shall post a notice in a conspicuous location, easily visible and readable by voters prior to approaching the receiving board, that a registered voter who is not affiliated with a political party may request such ballots.'"; and strike beginning with "strike" in line 17 through the semicolon in line 19.

5. Insert the following new amendments:

"48. On page 151, line 26, strike '(1)' and insert '(a)'; and in line 28 strike the comma and insert 'and'.

49. On page 152, strike beginning with the first comma in line 1 through '(2)' in line 2 and insert 'and (b)'.".

6. Renumber the remaining amendments accordingly.

NOTICE OF COMMITTEE HEARINGS

Government, Military and Veterans Affairs

LB 894	Wednesday, January 26, 1994	1:30 p.m.
LB 922	Wednesday, January 26, 1994	1:30 p.m.
LB 970	Wednesday, January 26, 1994	1:30 p.m.
LR 279	Wednesday, January 26, 1994	1:30 p.m.
LB 944	Thursday, January 27, 1994	1:30 p.m.
LB 947	Thursday, January 27, 1994	1:30 p.m.
Governor Appointment Ellen Lierk - NE Accountability and Disclosure Commission	Thursday, January 27, 1994	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

Transportation

LB 1032	Tuesday, February 1, 1994	1:30 p.m.

(Signed) Doug Kristensen, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1150. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to utility services; to amend sections 86-329 and 86-331, Reissue Revised Statutes of Nebraska, 1943; to provide a penalty for the unauthorized reconnection of certain electrical, gas, or water service; to change provisions relating to

evidence of guilt pertaining to unauthorized reconnection of service; and to repeal the original sections.

LEGISLATIVE BILL 1151. Introduced by Ashford, 6; Abboud, 12; Bernard-Stevens, 42; Bohlke, 33; Crosby, 29; Day, 19; Hartnett, 45; Lynch, 13; Rasmussen, 20; Will, 8; Withem, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2602, Revised Statutes Supplement, 1993; to change distribution of the cigarette tax; and to repeal the original section.

LEGISLATIVE BILL 1152. Introduced by Kristensen, 37; Crosby, 29; McKenzie, 34; Witek, 31.

A BILL FOR AN ACT relating to labor; to amend sections 20-148, 48-1008, and 48-1120, Reissue Revised Statutes of Nebraska, 1943, and sections 48-1118 and 48-1119, Revised Statutes Supplement, 1993; to change certain procedures and remedies relating to discrimination claims; and to repeal the original sections.

LEGISLATIVE BILL 1153. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 38; Hartnett, 45; Hudkins, 21; Robinson, 16; Will, 8.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1203.02, 2-1209, and 2-1211, Reissue Revised Statutes of Nebraska, 1943, sections 2-1203 and 2-1208, Revised Statutes Supplement, 1992, and section 2-1207, Revised Statutes Supplement, 1993; to change the distribution of certain fines; to create a fund; to provide an exemption from fingerprinting and criminal history requirements; to change provisions relating to deductions from wagers, payments to and use of funds by the State Racing Commission, and records maintained by licensees; to eliminate provisions relating to distributions to counties; to repeal the original sections, and also section 2-1210, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 1154. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201 and 77-202, Revised Statutes Supplement, 1992, and sections 13-509, 77-2702.07, 77-2702.13, 77-2702.14, and 77-2703, Revised Statutes Supplement, 1993; to exempt personal property other than motor vehicles from property taxation; to provide for sales and use taxation of certain services; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1155. Introduced by Hillman, 48; Bernard-Stevens, 42; Day, 19; Fisher, 35; Hall, 7; Preister, 5; Schmitt, 41; Withem, 14.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,298, Revised Statutes Supplement, 1993; to change provisions relating to vehicle weight; to define a term; to change and provide fees; and to repeal the original section.

LEGISLATIVE BILL 1156. Introduced by Hillman, 48; Day, 19; Fisher, 35; Hall, 7; Preister, 5; Schmitt, 41; Withem, 14.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,298, Revised Statutes Supplement, 1993; to change provisions relating to vehicle weight; to define a term; to provide fees for vehicles over one hundred twenty thousand pounds as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1157. Introduced by Hillman, 48; Day, 19; Fisher, 35; Hall, 7; Preister, 5; Schmitt, 41; Withem, 14.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,294, Revised Statutes Supplement, 1993; to change provisions relating to dummy axles; and to repeal the original sections.

LEGISLATIVE BILL 1158. Introduced by Hillman, 48; Day, 19; Fisher, 35; Hall, 7; Preister, 5; Schmitt, 41.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,294 and 60-6,298, Revised Statutes Supplement, 1993; to change provisions relating to vehicle weight and dummy axles; to define a term; to change provisions relating to fees and permits; and to repeal the original sections.

LEGISLATIVE BILL 1159. Introduced by Hudkins, 21; Coordsen, 32; Crosby, 29; Jones, 43; Lynch, 13; Pedersen, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,187 and 77-27,196, Reissue Revised Statutes of Nebraska, 1943, and section 77-202, Revised Statutes Supplement, 1992; to provide for a personal property tax exemption for investments in certain business property; to change the date a review is conducted; to harmonize provisions; and to repeal the original sections.

UNANIMOUS CONSENT - Add Cointroducers

Mrs. Crosby asked unanimous consent to have her name added as cointroducer to LB 1055. No objections. So ordered.

Mr. Wehrbein asked unanimous consent to have his name added as cointroducer to LB 1016. No objections. So ordered.

Mr. Elmer asked unanimous consent to have his name added as cointroducer to LB 1100, LB 1111, and LR 285CA. No objections. So ordered.

Mr. Schellpeper asked unanimous consent to have his name added as cointroducer to LB 1099. No objections. So ordered.

Mrs. Witek asked unanimous consent to have her name added as cointroducer to LB 241. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Cointroducer

Mrs. Witek asked unanimous consent to have her name withdrawn as cointroducer to LB 944. No objections. So ordered.

VISITORS

Visitors to the Chamber were 15 members from Leadership Hastings.

ADJOURNMENT

At 12:01 p.m., on a motion by Mr. Hartnett, the Legislature adjourned until 9:00 a.m., Wednesday, January 19, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

NINTH DAY - JANUARY 19, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 19, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Philip Houser, St. Andrew Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Beutler, Haberman, Landis, Lindsay, Pedersen, Schellpeper, Warner, Will, Mmes. Hillman, Robak, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighth day was approved.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 987. Placed on General File.

LEGISLATIVE BILL 914. Indefinitely postponed.

(Signed) Ardyce Bohlke, Chairperson

Urban Affairs

LEGISLATIVE BILL 1019. Placed on General File.
LEGISLATIVE BILL 1025. Placed on General File.
LEGISLATIVE BILL 1027. Placed on General File.

(Signed) D. Paul Hartnett, Chairperson

NOTICE OF COMMITTEE HEARING
Education

Governor Appointments Tuesday, February 15, 1994 1:30 p.m.
Special Education Accountability Commission
Keith Bartels
Margene M. Beatty
Kenneth Bird
Robert A. Cannon
Joseph Gaughan
Sandra Haughton
Velda Lambert
Max McFarland
Nicolas Reyes, Jr.
Jean Sigler
Patricia Thundercloud
Sally A. Tremain

(Signed) Ardyce Bohlke, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1093 through 1121 and legislative resolution 296CA.

LB	Committee
1093	Government, Military and Veterans Affairs
1094	General Affairs
1095	Transportation
1096	Judiciary
1097	Government, Military and Veterans Affairs
1098	Banking, Commerce and Insurance
1099	Transportation
1100	Government, Military and Veterans Affairs
1101	Business and Labor
1102	Transportation
1103	Government, Military and Veterans Affairs
1104	Transportation
1105	Transportation
1106	Judiciary
1107	Banking, Commerce and Insurance
1108	Health and Human Services
1109	Business and Labor
1110	Health and Human Services
1111	Revenue

1112 Revenue
1113 Revenue
1114 Urban Affairs
1115 Health and Human Services
1116 Judiciary
1117 Judiciary
1118 Banking, Commerce and Insurance
1119 Urban Affairs
1120 Urban Affairs
1121 Transportation

LR	Committee
296CA	Judiciary

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

STANDING COMMITTEE REPORT
Education

The Committee on Education desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Patrick Rogers - Educational Lands and Funds Board

VOTE: Aye: Senators Bohlke, Rasmussen, Beutler, McKenzie, Warner, and Monen. Nay: None. Absent: Senators Wickersham and Janssen.

(Signed) Ardyce Bohlke, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 248 in the Journal. No objections. So ordered.

AM2745

(Amendments to E & R amendments, AM5600)

1. Strike section 6.

2. On page 1, line 14, after "mean" insert "work on real property and annexations, including".

3. On page 3, line 17, strike "or" and insert a comma; in line 19 after "48-145" insert ", or (c) a signed statement indicating that the contractor is not required to carry workers' compensation insurance pursuant to the Nebraska Workers' Compensation Act"; and in line 24 strike "8" and insert "7".

4. Renumber remaining sections accordingly.

REPORTS

Received quarterly report from the Nebraska Energy Office of the Natural Gas Revolving Loan Fund as required by Section 010 of the regulations for the Municipal Natural Gas Regulation Act (Sec. 19-4617, R.R.S. 1943.

Received revised report from the Nebraska Commission on Law Enforcement and Criminal Justice on the Crime Victim's Reparations Program and Victims Assistance Grant Program, Victims of Crime Act.

Received quarterly report from the Department of Roads, State Highway Commission, pursuant to Nebraska Revised Statutes Section 39-1111 (1988).

GENERAL FILE

LEGISLATIVE BILL 322. Title read. Considered.

Standing Committee amendment, AM1682, found in the Journal on page 1868, First Session, 1993, was considered.

Mr. Wesely renewed his pending amendment, AM2310, found in the Journal on page 2401, First Session, 1993, to the Standing Committee amendment.

Mr. Wesely withdrew his amendment.

Mr. Hall offered the following amendment to the Standing Committee amendment:
AM2173
(Amendments to Standing Committee amendments, AM1682)
1. On page 3, strike beginning with "Any" in line 14 through "party" in line 15 and insert "Any attorney services".

Mr. Hall moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Hall requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Chambers	Hartnett	Rasmussen	Wehrbein	Wickersham
Dierks	Monen	Schimek	Wesely	Withem
Hall				

Voting in the negative, 18:

Bernard-Stevens	Cudaback	Hillman	Lynch	Pirsch
Byars	Elmer	Janssen	Matzke	Schellpeper
Crosby	Engel	Jones	McKenzie	Witek
	Fisher	Landis	Moore	

Present and not voting, 13:

Avery	Bromm	Hudkins	Robak	Schmitt
Beutler	Coordsen	Kristensen	Robinson	Vrtiska
Bohlke	Day	Preister		

Excused and not voting, 7:

Abboud	Haberman	Pedersen	Warner	Will
Ashford	Lindsay			

The Hall amendment lost with 11 ayes, 18 nays, 13 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Moore offered the following amendment to the Standing Committee amendment:
AM2767

(Amendments to Standing Committee amendments, AM1682)

1. On page 1, line 7, after "employees" insert "and which would result in or cause any decrease in the number of state employees".

2. On page 3, strike line 13; and in line 15 after "party" insert "; or

(g) Any agreement under the Interlocal Cooperation Act".

The Moore amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1160. Introduced by Warner, 25.

A BILL FOR AN ACT relating to fuel tax; to amend sections 39-2216, 66-1510, and 87-411, Reissue Revised Statutes of Nebraska, 1943, sections 3-149, 39-2215, 39-2215.01, 66-483, 66-484, 66-485, 66-486, 66-487, 66-488, 66-489, 66-491, 66-492, 66-496, 66-4,104, 66-4,105, 66-4,106, 66-4,107, 66-4,108, 66-4,109, 66-4,110, 66-4,111, 66-4,112, 66-4,113, 66-4,122, 66-4,131, 66-4,132, 66-4,140, 66-4,141, 66-4,143, 66-4,144, 66-4,145, 66-4,146, 66-4,147, 66-633, 66-713, 66-715, 66-716, 66-717, 66-726, 66-731, 66-733, 66-734, 66-735, 66-736, 66-737, 66-738, 66-739, 66-1216, 66-1414, 66-1501, 66-1503, 66-1521, and 77-381, Revised Statutes Supplement, 1992, and sections 52-1401, 60-302, 60-312, 66-482, 66-490, 66-493, 66-4,142, 66-501, 66-502, 66-503, 66-505, 66-512, 66-712, 66-720, 66-727, 66-740, 66-1345, and 77-2704.05, Revised Statutes Supplement, 1993; to adopt the Diesel Fuel Tax Act and Alternative Fuel Tax Act; to eliminate the Special Fuel Tax Act; to eliminate a shrinkage allowance which expired and a definition; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide operative dates; to provide severability; to repeal the original sections, and also sections 66-635, 66-647, and 66-648, Reissue Revised Statutes of Nebraska, 1943, sections 66-495, 66-497, 66-601, 66-601.01, 66-605 to 66-605.06, 66-606.01, 66-608, 66-609, 66-612, 66-613, 66-616 to 66-620, 66-629, 66-632, 66-634.01, 66-638, 66-641 to 66-645, 66-646.01, and 66-1505, Revised Statutes Supplement, 1992, sections 66-602, 66-605.07, and 66-607, Revised Statutes Supplement, 1993, and section 66-633, Revised Statutes Supplement, 1992, as amended by this legislative bill; and to declare an emergency.

LEGISLATIVE BILL 1161. Introduced by Withem, 14.

A BILL FOR AN ACT relating to schools and school districts; to state intent; to require adoption of policies relating to parental involvement in educational practices as prescribed.

LEGISLATIVE BILL 1162. Introduced by Withem, 14.

A BILL FOR AN ACT relating to real estate brokers; to amend section 81-885.21, Revised Statutes Supplement, 1992; to change provisions relating to trust accounts; and to repeal the original section.

LEGISLATIVE BILL 1163. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-516.08, Revised Statutes Supplement, 1992; to change provisions relating to calculating enrollment for schools participating in cooperative program plans; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1164. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to employment security; to amend section 48-628, Revised Statutes Supplement, 1992; to change a provision relating to disqualification for benefits due to misconduct; and to repeal the original section.

LEGISLATIVE BILL 1165. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-304.01, 37-507.01, 37-511, 37-609, 37-707, 46-613, and 46-801, Reissue Revised Statutes of Nebraska, 1943, sections 37-705, 37-706, and 37-711, Revised Statutes Supplement, 1992, and sections 2-5002, 2-5003, 2-5005, 37-101, 37-111, 37-503, 37-505, 37-702, and 37-703, Revised Statutes Supplement, 1993; to change provisions relating to and to provide duties for the Nebraska Aquaculture Board; to change the number of members on the board; to define terms; to change provisions relating to bait vendors, commercial fish culturists, fish hatcheries, and fish culture permits; to provide for bait dealers, aquaculturists, commercial aquaculturists, and aquaculture facility permits; to harmonize provisions; to eliminate obsolete provisions and provisions relating to game and fur farming and fish culture; and to repeal the original sections, and also sections 37-704, 37-708, 37-709, and 37-710, Reissue Revised Statutes of Nebraska, 1943, and section 2-5004, Revised Statutes Supplement, 1993.

LEGISLATIVE BILL 1166. Introduced by Landis, 46.

A BILL FOR AN ACT relating to students; to adopt the Student Freedom of Expression Act.

LEGISLATIVE BILL 1167. Introduced by Landis, 46.

A BILL FOR AN ACT relating to brewpubs; to amend sections 53-123.14, 53-124.11, and 53-124.12, Revised Statutes Supplement, 1992; to provide for additional licenses as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1168. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to capital construction; to authorize construction of a medium-minimum security adult correctional facility; and to declare an emergency.

LEGISLATIVE BILL 1169. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-1205, Reissue Revised Statutes of Nebraska, 1943; to increase the penalty for the crime of using firearms to commit a felony; and to repeal the original section.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 297.

GENERAL FILE

LEGISLATIVE BILL 322A. Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 76. Title read. Considered.

Standing Committee amendment, AM1741, printed separately from the Journal and referred to on page 1805, First Session, 1993, was considered.

Mrs. Pirsch offered the following amendment to the Standing Committee amendment:
AM2765

(Amendments to Standing Committee amendment, AM1741)

1. On page 3, line 19, after the second semicolon insert 'in lines 17 and 28 strike 'Governor' and insert 'county board';"; and in line 22 after the comma insert "line 1, after the period insert 'The election commissioner shall be registered to vote as a member of the same political party from which the Governor was elected.'; and".

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

The Pirsch amendment lost with 2 ayes, 22 nays, 20 present and not voting, and 5 excused and not voting.

The Standing Committee amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 876. Placed on General File.
LEGISLATIVE BILL 877. Placed on General File.
LEGISLATIVE BILL 878. Placed on General File.
LEGISLATIVE BILL 884. Placed on General File.

LEGISLATIVE BILL 978. Placed on General File as amended.
Standing Committee amendment to LB 978:
AM2762

1. On page 20, line 14, strike the comma and strike "individual and group" and "indemnity" and show as stricken; in line 15 strike "type contracts," and show the old matter as stricken; and in line 20 strike the comma and show as stricken.

(Signed) David Landis, Chairperson

MOTION - Place LB 619 on General File

Mr. Pedersen moved to place LB 619 on General File, pursuant to Rule 3, Section 19(b).

Laid over.

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 1039	Wednesday, January 26, 1994	1:30 p.m.
LB 986	Wednesday, January 26, 1994	1:30 p.m.
LB 896	Wednesday, January 26, 1994	1:30 p.m.

(Signed) Chris Beutler, Chairperson

Health and Human Services

Governor Appointments Joyce Bunger - Foster Care Review Board Barbara Moore- Foster Care Review Board Sally Burt - Child Abuse Prevention Fund Board Duane Polzien - Board of Health	Wednesday, January 26, 1994	1:30 p.m.
LB 909	Wednesday, January 26, 1994	1:30 p.m.
LB 946	Wednesday, January 26, 1994	1:30 p.m.
LB 1000	Wednesday, January 26, 1994	1:30 p.m.
LB 886	Wednesday, January 26, 1994	1:30 p.m.
Governor Appointments Samuel Perry - Child Abuse Prevention Fund Board Myrna Schmid - Foster Care Review Board Charles Wempe - Board of Health	Thursday, January 27, 1994	1:30 p.m.
LB 904	Thursday, January 27, 1994	1:30 p.m.
LB 1078	Thursday, January 27, 1994	1:30 p.m.
LB 1115	Thursday, January 27, 1994	1:30 p.m.
LB 1014	Thursday, January 27, 1994	1:30 p.m.

(Signed) Don Wesely, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1170. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to environmental education; to adopt the Environmental Education Act.

LEGISLATIVE BILL 1171. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to campaign finance; to amend sections 32-1605, Revised Statutes Supplement, 1992, and sections 32-1603, 32-1604, 32-1606, and 49-1459, Revised Statutes Supplement, 1993; to define and redefine terms; to change provisions for distribution of public funds and reporting under the Campaign Finance Limitation Act; to provide a penalty; to change the filing schedule for postelection campaign statements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1172. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to employment security; to amend section 48-604, Revised Statutes Supplement, 1993; to exclude service by certain part-time musicians as employment; and to repeal the original section.

LEGISLATIVE BILL 1173. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to courts; to amend sections 24-312, 24-516, 25-1901, 25-2729, 25-2731 to 25-2737, 25-2807, 29-2317, 29-2319, 31-329, 33-106, 43-112, 76-715, 76-717, 76-718, 76-720, 76-1447, and 77-2023, Reissue Revised Statutes of Nebraska, 1943, sections 24-810, 24-1101, 25-1140, 25-1140.09, 25-1542, 25-1937, 25-2728, 43-287.01, 43-287.05, 43-2,106, 43-2,126, 43-2,129, 76-723, and 83-471, Revised Statutes Supplement, 1992, and sections 24-301.02, 24-503, and 25-2730, Revised Statutes Supplement, 1993; to provide for vacancies in certain district and county court judicial districts; to increase the number of judges on the Court of Appeals; to provide for appeals from the county court other than from Small Claims Court to be taken to the Court of Appeals; to transfer and eliminate certain appeal provisions; to harmonize provisions; and to repeal the original sections, and also section 76-719, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 1174. Introduced by Hartnett, 45; Avery, 3; Withem, 14.

A BILL FOR AN ACT relating to sales and income tax; to amend section 77-2711, Revised Statutes Supplement, 1993; to require the Tax Commissioner to examine the accuracy of reported taxes under the Local Option Revenue Act when examining sales and use tax records; and to repeal the original section.

LEGISLATIVE BILL 1175. Introduced by Avery, 3; Hartnett, 45; Withem, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2711, Revised Statutes Supplement, 1993; to provide an exemption to confidentiality of the lodging sales tax as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1176. Introduced by Rasmussen, 20.

A BILL FOR AN ACT relating to insurance; to amend section 44-513, Revised Statutes Supplement, 1992; to provide for reimbursement for mental health treatment; and to repeal the original section.

LEGISLATIVE BILL 1177. Introduced by Rasmussen, 20; Byars, 30; Wesely, 26.

A BILL FOR AN ACT relating to developmental disabilities; to state intent; to create the Developmental Disabilities Commission; to provide powers and duties; to require reports; to provide a termination date; and to declare an emergency.

LEGISLATIVE BILL 1178. Introduced by Robak, 22; Wesely, 26.

A BILL FOR AN ACT relating to medicaid; to state intent; and to provide powers and duties for the Department of Social Services and the Department of Public Institutions relating to the federal medicaid rehabilitation option.

LEGISLATIVE BILL 1179. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Department of Public Institutions; to state intent; and to provide for the use of professional staff in psychiatric rehabilitation services.

LEGISLATIVE BILL 1180. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Department of Public Institutions; to state intent; and to require the collection of data and submission of reports.

LEGISLATIVE BILL 1181. Introduced by Robak, 22; Crosby, 29; Wehrbein, 2.

A BILL FOR AN ACT relating to the State Department of Education; to require creation of a library media consultant; and to provide a restriction on appropriations.

LEGISLATIVE BILL 1182. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to real property; to provide for the validity of certain deeds executed by a personal representative.

LEGISLATIVE BILL 1183. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to interest; to amend sections 45-103 to 45-103.04, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to interest on judgments and other legal actions; and to repeal the original sections.

LEGISLATIVE BILL 1184. Introduced by Rasmussen, 20; Schimek, 27; Withem, 14.

A BILL FOR AN ACT relating to the Help Education Lead to Prosperity Act; to amend sections 79-3501, 79-3504, and 79-3812, Revised Statutes Supplement, 1992; to provide for minimum teachers' salaries; to provide for reimbursement to school districts; to provide for funding; to eliminate a restriction on appropriations; to harmonize provisions; and to repeal the original sections, and also section 79-3509.03, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 1185. Introduced by Coordsen, 32; McKenzie, 34.

A BILL FOR AN ACT relating to transmission lines; to amend section 76-701, Revised Statutes Supplement, 1993; to provide annual payments to the property owner or condemnee for land surrounding the lines; to harmonize provisions; to provide duties for the Revisor of Statutes; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1186. Introduced by Coordsen, 32; McKenzie, 34.

A BILL FOR AN ACT relating to power districts and corporations; to provide for acquisition of additional property when certain transmission lines are proposed as prescribed; to provide duties for the Revisor of Statutes; and to declare an emergency.

LEGISLATIVE BILL 1187. Introduced by Coordsen, 32; Bohlke, 33; McKenzie, 34.

A BILL FOR AN ACT relating to power districts and corporations; to amend section 70-667, Reissue Revised Statutes of Nebraska, 1943; to provide for notice and hearing when certain transmission lines are proposed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1188. Introduced by Cudaback, 36; Bromm, 23; Dierks, 40; Jones, 43.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend section 18-2709, Revised Statutes Supplement, 1993; to redefine qualifying business; to define retail trade; and to repeal the original section.

LEGISLATIVE BILL 1189. Introduced by Cudaback, 36; Bromm, 23; Dierks, 40; Jones, 43; Schellpeper, 18; Wickersham, 49.

A BILL FOR AN ACT relating to railroads; to amend sections 74-301, 74-308, 74-1305, and 76-703, Reissue Revised Statutes of Nebraska, 1943; to change eminent domain procedures as prescribed; to require hearings and investigations of alternatives; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1190. Introduced by Cudaback, 36; Dierks, 40; Jones, 43; McKenzie, 34; Schellpeper, 18.

A BILL FOR AN ACT relating to agriculture; to provide for a fee on commercial fertilizers sold as prescribed.

LEGISLATIVE BILL 1191. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Engel, 17; Hillman, 48; Wehrbein, 2.

A BILL FOR AN ACT relating to funds; to create the Secretary of State Administration Cash Fund.

LEGISLATIVE BILL 1192. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Engel, 17; Hillman, 48; Wehrbein, 2.

A BILL FOR AN ACT relating to funds; to create the Foster Care Review Board Cash Fund.

LEGISLATIVE BILL 1193. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Engel, 17; Hillman, 48; Wehrbein, 2.

A BILL FOR AN ACT relating to funds; to create the Department on Aging Cash Fund.

LEGISLATIVE BILL 1194. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Engel, 17; Hillman, 48; Wehrbein, 2.

A BILL FOR AN ACT relating to funds; to create funds; and to authorize the administrative establishment of funds.

LEGISLATIVE BILL 1195. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Engel, 17; Hillman, 48; Wehrbein, 2.

A BILL FOR AN ACT relating to funds; to amend section 83-129, Reissue Revised Statutes of Nebraska, 1943, and sections 80-301 and 80-301.02, Revised Statutes Supplement, 1992; to create the Veterans' Home Building Fund, the Department of Public Institutions-Institutional Cash Fund, and the School District Reimbursement Fund; to harmonize provisions; and to repeal the original sections, and also section 80-301.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1196. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Engel, 17; Hillman, 48; Wehrbein, 2.

A BILL FOR AN ACT relating to funds; to create the Department of Justice Revolving Fund and the Department of Justice Cash Fund.

LEGISLATIVE BILL 1197. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Engel, 17; Hillman, 48; Wehrbein, 2.

A BILL FOR AN ACT relating to funds; to amend section 66-4,100, Revised Statutes Supplement, 1992; to create the Roads Operation Cash Fund; to authorize the Legislature to transfer funds; and to repeal the original section.

LEGISLATIVE BILL 1198. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Engel, 17; Hillman, 48; Wehrbein, 2.

A BILL FOR AN ACT relating to funds; to create the Commission on the Status of Women Cash Fund.

LEGISLATIVE BILL 1199. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Engel, 17; Hillman, 48; Wehrbein, 2.

A BILL FOR AN ACT relating to funds; to amend section 81-1201.01, Reissue Revised Statutes of Nebraska, 1943; to create the Administrative Cash Fund; and to repeal the original section.

LEGISLATIVE BILL 1200. Introduced by Rasmussen, 20; Day, 19.

A BILL FOR AN ACT relating to nurse practitioners; to amend sections 71-1,143, 71-1,147.01, 71-1704, 71-1705, 71-1707, 71-1714, 71-1716 to 71-1716.02, 71-1721, 71-1721.07, 71-1723, 71-1723.01, and 71-1725 to 71-1726.02, Reissue Revised Statutes of Nebraska, 1943, sections 71-1,132.11, 71-1706, 71-1730, and 71-1913.01, Revised Statutes Supplement, 1992, and sections 71-1717, 71-1721.06, 71-1722, 71-1724, 71-1724.01, and 71-1735, Revised Statutes Supplement, 1993; to provide for licensing of advanced registered nurse practitioners and to eliminate provisions relating to certification of nurse practitioners; to rename the Nurse Practitioner Act; to redefine terms and eliminate definitions; to provide for, change, and eliminate provisions relating to scope of practice, continued clinical competence, an advisory council, licensure, relicensure, discipline, fees, and titles; to eliminate provisions relating to practice agreements, collaborative relationships, supervision, practice status, and prohibition of independent practice; to change provisions relating to certification of nurse-anesthetists; to harmonize provisions; and to repeal the original sections, and also sections 71-1711, 71-1712, 71-1715, 71-1716.03, and 71-1721.01 to 71-1721.05, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1716.04 and 71-1728, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 1201. Introduced by Warner, 25.

A BILL FOR AN ACT relating to campaign contributions; to amend section 49-1401, Revised Statutes Supplement, 1992, and sections 9-834 and 9-835, Revised Statutes Supplement, 1993; to require disclosure by certain lottery vendors; to provide restrictions on contracts for major procurements; to state intent; to prohibit contributions by lottery contractors as prescribed; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1202. Introduced by Warner, 25.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1803, Reissue Revised Statutes of Nebraska, 1943; to define a term; to provide powers and duties relating to cable utility system ownership, construction, leasing, operation, maintenance, and issuance of revenue bonds; to create a community advisory board; to harmonize provisions; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 1203. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Nebraska Disaster and Civil Defense Act of 1973; to amend sections 18-1712, 18-1714, 23-2519, 31-727, 31-740, 31-744, 48-126.01, 55-120, 68-703, 81-829.31, 81-829.36 to 81-829.42, 81-829.45, 81-829.47 to 81-829.55, 81-829.57 to 81-829.62, 81-829.64, 81-829.69, 81-829.70, 81-829.72, 81-829.73, 81-1120.17, and 81-1120.25, Reissue Revised Statutes of Nebraska, 1943, sections 2-4901, 71-5120, 71-7318, 81-829.43, 81-829.46, 81-829.65, and 86-702, Revised Statutes Supplement, 1992, and sections 48-115, 60-6,164, and 77-3439, Revised Statutes Supplement, 1993; to rename the act and the state Civil Defense Agency; to define, redefine, and eliminate terms; to change and eliminate provisions relating to civil defense; to provide for emergency management; to provide for and change provisions relating to declaration of and response to disasters, emergencies, and civil defense emergencies; to eliminate state and local disaster plans and provide for emergency operations plans; to change and provide duties for state and local emergency management entities and workers; to change provisions relating to the Governor's Emergency Fund; to provide for expenditures for aerial fire suppression; to eliminate duties of the state Civil Defense Agency relating to a study of communications; to eliminate an oath; to eliminate provisions relating to assent to a federal law; to harmonize provisions; and to repeal the original sections, and also sections 81-829.44, 81-829.63, and 81-829.74, Reissue Revised Statutes of Nebraska, 1943.

GENERAL FILE

LEGISLATIVE BILL 490. Title read. Considered.

Standing Committee amendment, AM0478, found in the Journal on page 759, First Session, 1993, was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

MR. HALL PRESIDING

Advanced to E & R for review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 642. Title read. Considered.

Standing Committee amendment, AM0446, found in the Journal on page 759, First Session, 1993, was considered.

PRESIDENT ROBAK PRESIDING

Messrs. Landis, Moore, Pedersen, Bernard-Stevens, Robinson, Cudaback, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mrs. McKenzie and Mr. Kristensen asked unanimous consent to print the following amendment to LB 254 in the Journal. No objections. So ordered.

AM2768

(Amendments to AM2284)

1. On page 1, line 8, after "state" insert "and of the political subdivision which employs the law enforcement officer".

2. On page 4, line 10, after "outside" insert "the boundaries of any".

Mrs. Crosby and Mr. Schellpeper asked unanimous consent to print the following amendment to LB 786 in the Journal. No objections. So ordered.

AM2738

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 79-434, Revised Statutes Supplement, 1993, be amended to read as follows:

79-434. (1) The county board of the county in which is located the schoolhouse or the administrative office of any joint school district shall make a levy for the school district, as may be necessary, and the county clerk of that headquarters county shall certify the levy, on or before the date prescribed in section 77-1601, to the county clerk of each county in which is situated any portion of the joint school district. This section shall apply to all taxes levied on behalf of school districts, including, but not limited to, taxes authorized by sections 10-304, 10-711, 10-716.01, 77-1601, 79-424, 79-438.12, 79-4,207, 79-542, 79-547.04, 79-607, 79-810, 79-903, 79-1007, 79-1007.02, 79-1052, and 79-1435.03.

(2) The county board of the county in which is located the schoolhouse or the administrative office of the high school district of a joint affiliated school system shall make a levy for the joint affiliated school system, as may be necessary, and the county clerk of that headquarters county shall certify the levy, on or before the date prescribed in section 77-1601, to the county clerk of each county in which is situated any portion of the joint affiliated school system.

This section shall apply to all taxes levied on behalf of affiliated school systems, including, but not limited to, taxes authorized by sections 10-716.01, 79-438.12, ~~and~~ 79-4,207, and 79-547.04.

Sec. 2. That section 79-547.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-547.04. (1) The board of education of a Class II, III, IV, V, or VI school district may establish a special fund for purposes of acquiring sites for school buildings or teacherages, purchasing existing buildings for use as school buildings or teacherages, including the sites upon which such buildings are located, and the erection, alteration, equipping, and furnishing of school buildings or teacherages and additions to school buildings for elementary and high school grades and for no other purpose. Such fund shall be established from the proceeds of an annual levy, to be determined by the board of education, of not to exceed fourteen cents on each one hundred dollars upon the taxable value of all taxable property in the district which shall be in addition to any other taxes authorized to be levied for school purposes. Such tax shall be levied and collected as are other taxes for school purposes.

(2) If such board of education operates grades nine through twelve as part of an affiliated school system, it shall designate the fraction of the project to be conducted for the benefit of grades nine through twelve. Such fraction shall be raised by a levy placed upon all of the taxable value of all taxable property in the affiliated school system pursuant to subsection (2) of section 79-434. The balance of the project to be conducted for the benefit of grades kindergarten through eight shall be raised by a levy placed upon all of the taxable value of all taxable property in the district which is governed by such board of education. The combined rate for both levies in the high school district, to be determined by such board, shall not exceed fourteen cents on each one hundred dollars of taxable value which shall be in addition to any other taxes authorized to be levied for school purposes. Such tax shall be levied and collected as are other taxes for school purposes.

Sec. 3. That original section 79-547.04, Reissue Revised Statutes of Nebraska, 1943, and section 79-434, Revised Statutes Supplement, 1993, are repealed.".

Mr. Abboud asked unanimous consent to print the following amendment to LB 379 in the Journal. No objections. So ordered.

AM2763

1. On page 3, strike lines 16 and 17 and insert "any county where the person committed the"; in line 18 strike

3 the commas and after "aggregated" insert an underscored
4 period; and strike lines 19 through 21.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 996	Wednesday, January 26, 1994	1:30 p.m.
LB 1029	Wednesday, January 26, 1994	1:30 p.m.
LB 1035	Wednesday, January 26, 1994	1:30 p.m.
LB 1096	Wednesday, January 26, 1994	1:30 p.m.
LB 1106	Wednesday, January 26, 1994	1:30 p.m.
LB 1116	Wednesday, January 26, 1994	1:30 p.m.
LB 927	Thursday, January 27, 1994	1:30 p.m.
LB 1011	Thursday, January 27, 1994	1:30 p.m.
LB 1012	Thursday, January 27, 1994	1:30 p.m.
LB 1013	Thursday, January 27, 1994	1:30 p.m.
LB 1018	Thursday, January 27, 1994	1:30 p.m.
LB 1023	Thursday, January 27, 1994	1:30 p.m.

(Signed) John Lindsay, Chairperson

STANDING COMMITTEE REPORT
Agriculture

LEGISLATIVE BILL 934. Placed on General File.

(Signed) Merton L. Dierks, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1204. Introduced by Bohlke, 33; Beutler, 28; Dierks, 40; Janssen, 15; Preister, 5.

A BILL FOR AN ACT relating to the environment; to amend section 81-1505.04, Revised Statutes Supplement, 1992; to change an emission fee; and to repeal the original section.

LEGISLATIVE BILL 1205. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to motor vehicles; to provide for the issuance of designated license plates for members of the Fraternal Order of Police; and to provide fees.

LEGISLATIVE BILL 1206. Introduced by Bohlke, 33; Lynch, 13.

A BILL FOR AN ACT relating to the Help Education Lead to Prosperity Act; to amend section 79-3505, Revised Statutes Supplement, 1992; to change provisions relating to calculation of fund distribution; and to repeal the original section.

LEGISLATIVE BILL 1207. Introduced by Beutler, 28; Day, 19.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 13-2020, 13-2022, 13-2034, 13-2036, 13-2039, and 13-2042, Revised Statutes Supplement, 1992, and sections 13-515, 13-516, 25-2803, 60-335, and 81-1502, Revised Statutes Supplement, 1993; to change provisions relating to budgets of joint entities and agencies created by the Interlocal Cooperation Act and Solid Waste Management Act as prescribed; to provide that such joint entities and agencies may file certain actions in the Small Claims Court and exempt them from motor vehicle registration fee as prescribed; to change provisions relating to costs of closure and postclosure care of solid waste facilities as prescribed, to rules and regulations of such facilities, and to permit applications for such facilities; to change provisions as to time of disposal of certain solid waste; to change provisions relating to time of collection of a landfill disposal fee and interest charged for late payment; to define yard waste; and to repeal the original sections.

LEGISLATIVE BILL 1208. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-3812, Revised Statutes Supplement, 1992; to provide for fund transfers to the Educational Excellence Fund; to eliminate a prohibition on use of certain revenue; and to repeal the original section, and also section 79-3509.03, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 1209. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to employment security; to amend section 48-628, Revised Statutes Supplement, 1992, and section 48-602, Revised Statutes Supplement, 1993; to define terms; to change provisions relating to conditions disqualifying applicants for benefits to provide for temporary help firms and employees; and to repeal the original sections.

LEGISLATIVE BILL 1210. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Byars, 30; Day, 19; Dierks, 40; Matzke, 47; Rasmussen, 20; Vrtiska, 1.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-507, 71-5101, 71-5109, 71-5113, 71-5115, 71-5119, 71-5120, 71-5124, 71-5125, 71-5130, 71-5132, 71-5134, 71-5135, 71-5137, 71-5139, 71-5140, 71-5141, 71-5145, 71-5151, 71-5155,

71-5165, 71-7304, 71-7308, and 71-7317, Revised Statutes Supplement, 1992, and sections 71-148 and 71-5102, Revised Statutes Supplement, 1993; to redefine a term; to require hospitals to make available additional information; to change provisions relating to cardiopulmonary resuscitation certification for emergency medical service providers as prescribed; to provide duties for the Division of Emergency Medical Services of the Department of Health; to provide for renewal of first responder service certification; to eliminate provisions relating to voter approval of establishment of a local health department as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1211. Introduced by Moore, 24.

A BILL FOR AN ACT relating to funds; to amend sections 48-1,102, 48-1,103, and 81-8,239.04, Reissue Revised Statutes of Nebraska, 1943, and sections 81-8,239.02 and 81-8,239.03, Revised Statutes Supplement, 1992; to create funds; to rename a fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1212. Introduced by Hall, 7.

A BILL FOR AN ACT relating to certificate of need; to amend section 71-5804, Reissue Revised Statutes of Nebraska, 1943, and sections 71-5810 and 71-5831, Revised Statutes Supplement, 1993; to redefine ambulatory surgical facility and health care facility; to change provisions relating to exemptions; and to repeal the original sections.

LEGISLATIVE BILL 1213. Introduced by Pedersen, 39; Avery, 3; Bromm, 23; Byars, 30; Coordsen, 32; Cudaback, 36; Day, 19; Dierks, 40; Elmer, 38; Engel, 17; Haberman, 44; Hall, 7; Hillman, 48; Hudkins, 21; Janssen, 15; Jones, 43; Landis, 46; Lindsay, 9; Lynch, 13; Matzke, 47; McKenzie, 34; Moore, 24; Preister, 5; Rasmussen, 20; Robak, 22; Robinson, 16; Schimek, 27; Schmitt, 41; Wehrbein, 2; Wickersham, 49; Witek, 31; Withem, 14.

A BILL FOR AN ACT relating to compulsive disorders; to amend sections 42-917, 44-773, 44-774, 71-5006, 71-5009, 71-5018, 71-5019, 71-5020, 71-5024, 71-5025, 71-5032, 71-5033, 83-158.01, 83-159, 83-160, 83-164, 83-165, and 83-167 to 83-169, Reissue Revised Statutes of Nebraska, 1943, sections 71-5014 and 83-163, Revised Statutes Supplement, 1992, and sections 9-812 and 71-1,312, Revised Statutes Supplement, 1993; to eliminate the Division on Compulsive Gambling; to rename the Division on Alcoholism and Drug Abuse, the Division on Alcoholism and Drug Abuse Act, and the State Alcoholism and Drug Abuse Advisory Committee; to provide powers and duties for the division and the committee; to provide limitations on the use of funds; to harmonize provisions; to repeal the original sections, and also

sections 9-804.01 to 9-804.05, Revised Statutes Supplement, 1993; and to declare an emergency.

LEGISLATIVE BILL 1214. Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-110, Revised Statutes Supplement, 1993; to eliminate the statute of limitations on the offense of sexual assault of a child; to provide for applicability; and to repeal the original section.

LEGISLATIVE BILL 1215. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to law enforcement; to amend section 81-1423, Reissue Revised Statutes of Nebraska, 1943; to create the Nebraska Law Enforcement Accreditation Council as prescribed; to change provisions relating to the duties of the Nebraska Commission on Law Enforcement and Criminal Justice; to create a fund; to provide a fee; and to repeal the original section.

LEGISLATIVE BILL 1216. Introduced by Engel, 17.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Board of Trustees of the Nebraska State Colleges.

LEGISLATIVE BILL 1217. Introduced by Wickersham, 49; Janssen, 15; McKenzie, 34.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-3801, 79-3803, 79-3804, 79-3812, and 79-3813, Revised Statutes Supplement, 1992, and section 79-3806, Revised Statutes Supplement, 1993; to change provisions relating to calculating state aid for reorganized districts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1218. Introduced by Bromm, 23; Bohlke, 33; Cudaback, 36; Dierks, 40; Janssen, 15; Jones, 43; Pedersen, 39.

A BILL FOR AN ACT relating to insurance; to require notice of motor vehicle liability policy terminations, cancellations, and nonrenewals; to provide for cancellation of motor vehicle operators' licenses, registration certificates, and license plates; and to provide duties for the Department of Motor Vehicles, insurers, and peace officers.

LEGISLATIVE BILL 1219. Introduced by Bohlke, 33; Preister, 5.

A BILL FOR AN ACT relating to landfills; to amend sections 13-2001 and 13-2042, Revised Statutes Supplement, 1992; to authorize a reduction in disposal fees for waste reduction and recycling programs;

to provide procedures; to change funding provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1220. Introduced by Lindsay, 9; Will, 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-709 and 28-1204, Reissue Revised Statutes of Nebraska, 1943, and section 28-707, Revised Statutes Supplement, 1993; to provide duties as prescribed for parents and guardians with respect to their minor children; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 1221. Introduced by Will, 8.

A BILL FOR AN ACT relating to cities and villages; to amend section 31-766, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to division of assets and obligations upon annexation of territory in certain districts; and to repeal the original section.

LEGISLATIVE BILL 1222. Introduced by Wesely, 26; Beutler, 28; Byars, 30; Coordsen, 32; Day, 19; Hall, 7; Landis, 46; Lindsay, 9; Rasmussen, 20; Robak, 22; Vrtiska, 1, at the request of the Governor.

A BILL FOR AN ACT relating to insurance; to amend section 71-2049, Reissue Revised Statutes of Nebraska, 1943, and section 44-760, Revised Statutes Supplement, 1993; to adopt the Small Employer Health Insurance Availability Act; to adopt the Standardized Health Claim Form Act; to change a definition of group sickness and accident insurance; to eliminate the Hospital Consumer Information Act and the Small Employer Health Insurance Act; to provide operative dates; to provide severability; and to repeal the original sections, and also sections 71-2062 to 71-2066, 71-2068 to 71-2072, 71-2074, and 71-2077, Reissue Revised Statutes of Nebraska, 1943, sections 44-5201 to 44-5213 and 44-5215 to 44-5222, Revised Statutes Supplement, 1992, and sections 44-5214, 71-2067, and 71-2073, Revised Statutes Supplement, 1993.

LEGISLATIVE BILL 1223. Introduced by Wesely, 26; Beutler, 28; Bohlke, 33; Byars, 30; Day, 19; Dierks, 40; Landis, 46; Matzke, 47; McKenzie, 34; Rasmussen, 20; Schellpeper, 18; Vrtiska, 1, at the request of the Governor.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 44-2835, 71-1,132.08, 71-1,132.20, 71-1,132.49, 71-1,198, 71-1,199, 71-374, 71-375, 71-397, 71-1725, 71-1761, 71-4711, 71-5504, 71-5517, 71-6065, and 71-6113, Reissue Revised Statutes of Nebraska, 1943, sections 71-150, 71-155, 71-161.03, 71-168,

71-172.01, 71-1,104, 71-1,132.29, 71-1,200, 71-1,202, 71-382, 71-3,171, 71-527 to 71-529, 71-3708, 71-3710, 71-3711, 71-4708, 71-4712, 71-5505, 71-5652, 71-5653, 71-5659, 71-5661 to 71-5666, 71-5669, 71-6061, 71-6111, 71-6114, and 71-7423, Revised Statutes Supplement, 1992, and sections 71-101, 71-110, 71-113, 71-116, 71-147, 71-162, 71-168.01, 71-1,132.07, 71-1,147.10, 71-1,204, 71-1331, 71-1333.01, 71-1333.02, 71-1757, 71-1782, 71-2023, 71-3706, 71-3707, 71-4715, 71-5668, 71-5674, 71-5676, 71-5677, and 71-6054, Revised Statutes Supplement, 1993; to change procedures relating to malpractice settlements and judgments; to provide additional lay members for certain boards; to provide additional grounds for discipline and reporting requirements related to health professionals; to change procedures for disciplinary proceedings; to provide for cease and desist orders; to provide and change fees; to provide immunity from liability; to require court clerks to provide reports; to provide a standard of proof in certain proceedings; to provide for a statewide immunization program for certain children; to provide for contracts for vaccine; to change provisions of the Rural Health Systems and Professional Incentive Act; to create a fund; to eliminate the Commission on Medical Qualifications; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also sections 44-2848 to 44-2850, 44-2852, and 44-2853, Reissue Revised Statutes of Nebraska, 1943, and section 44-2851, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 1224. Introduced by Wesely, 26; Rasmussen, 20; Ashford, 6; Bohlke, 33, at the request of the Governor.

A BILL FOR AN ACT relating to social services; to amend sections 25-506.01, 25-2203, 42-358.08, 42-364.16, 43-104.03, 43-1401, 43-1409, 43-1412, 43-1414, and 43-1416, Reissue Revised Statutes of Nebraska, 1943, sections 42-347, 42-358, 43-512, 43-512.03, 43-512.04, 43-512.06, 43-512.08, 43-1704, 44-761, 44-32,130, 71-628, 83-1,107, and 83-1,108, Revised Statutes Supplement, 1992, and sections 25-1563.02, 36-213, 42-371, 42-748, 43-1406, 43-1411, 43-1415, 43-2919, 48-139, 60-106, 60-107, 60-110, 60-1515, 77-27,161, and 84-712.05, Revised Statutes Supplement, 1993; to state intent; to provide for studies and recommendations; to establish committees; to adopt the Welfare Reform Act; to define and redefine terms; to change provisions relating to service of process; to provide for garnishment of certain income for child support purposes as prescribed; to provide duties for the State Court Administrator; to change provisions relating to county attorneys and authorized attorneys; to change provisions relating to furnishing information for purposes of enforcement of support orders; to establish the Support Judgment Registry; to change provisions relating to determinations of paternity; to provide for presumptions; to provide for insurance coverage of certain children as prescribed; to provide for notation of child support liens on motor vehicles; to provide for setoff of certain health care costs as prescribed; to change provisions relating to service of

sentences; to provide a duty for the Revisor of Statutes; to provide operative dates; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1225. Introduced by Will, 8; Bohlke, 33; Day, 19; Hillman, 48; Rasmussen, 20; Schimek, 27.

A BILL FOR AN ACT relating to health care facilities; to amend section 28-101, Revised Statutes Supplement, 1992; to create crimes involving obstruction of passage to or from and prohibited activities near health care facilities; to provide penalties; to authorize damages and injunctive relief; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1226. Introduced by Jones, 43.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to provide for the establishment of a toll-free child abuse and neglect hotline operated by the Nebraska State Patrol as prescribed.

LEGISLATIVE BILL 1227. Introduced by Jones, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1601, Revised Statutes Supplement, 1993; to provide powers of the county board of equalization relating to levies; and to repeal the original section.

LEGISLATIVE BILL 1228. Introduced by Jones, 43.

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

LEGISLATIVE BILL 1229. Introduced by McKenzie, 34; Wehrbein, 2.

A BILL FOR AN ACT relating to ethanol; to amend sections 66-1330 and 66-1345, Revised Statutes Supplement, 1993; to impose an excise tax on corn and grain sorghum sold to Nebraska ethanol producers to pay for certain credits; to require the transfer of General Funds; to harmonize provisions; to repeal the original sections; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 300CA. Introduced by Will, 8, at the request of the Governor.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article IV, section 13:

"IV-13 The Legislature shall provide by law for the establishment of a Board of Parole and the qualifications of its members. ~~Said~~ The board, or a majority thereof, shall have power to grant paroles after conviction and judgment, under such conditions as may be prescribed by law, for any offenses committed against the criminal laws of this state except treason and cases of impeachment. The Governor shall have power to grant respites, reprieves, pardons or commutations in capital cases. The Governor, Attorney General, and Secretary of State, sitting as a board, shall have power to remit fines and forfeitures and to grant respites, reprieves, pardons, or commutations in all other cases of conviction for offenses against the laws of the state, except treason and cases of impeachment. The Board of Parole may advise the Governor, ~~Attorney General and Secretary of State~~ or such board, as the case may be, on the merits of any application for remission, respite, reprieve, pardon, or commutation, but such advice shall not be binding. ~~on them.~~ The Governor shall have power to suspend the execution of the sentence imposed for treason until the case can be reported to the Legislature at its next session, when the Legislature shall either grant a pardon, ~~or~~ commute the sentence, ~~or~~ direct the execution of the sentence, or grant a further reprieve.

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide that the Governor shall have the authority to remit fines and forfeitures and to grant respites, reprieves, pardons, or commutations for offenses except treason or impeachment.

For

Against".

Referred to the Reference Committee.

UNANIMOUS CONSENT - Add Cointroducers

Mrs. Bohlke asked unanimous consent to have her name added as cointroducer to LB 984. No objections. So ordered.

Mr. Fisher asked unanimous consent to have his name added as cointroducer to LB 1202. No objections. So ordered.

Mr. Jones asked unanimous consent to have his name added as cointroducer to LB 125. No objections. So ordered.

VISITORS

Visitors to the Chamber were Lisa Tjarks from Raymond Central High School; and 17 students from Japan.

ADJOURNMENT

At 12:14 p.m., on a motion by Ms. Schimek, the Legislature adjourned until 9:00 a.m., Thursday, January 20, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TENTH DAY - JANUARY 20, 1994

LEGISLATIVE JOURNAL

TENTH DAY - JANUARY 20, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 20, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Rev. Wade S. Kerns, Lincoln Church of God, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Engel who was excused; and Messrs. Abboud, Ashford, Avery, Bernard-Stevens, Beutler, Chambers, Haberman, Landis, Lindsay, Lynch, Moore, Robinson, Warner, Will, Mmes. Bohlke, Robak, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the ninth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1122 through 1159 and legislative resolution 299CA.

LB	Committee
1122	Natural Resources
1123	Education
1124	Natural Resources
1125	Natural Resources
1126	Banking, Commerce and Insurance
1127	Urban Affairs
1128	Natural Resources

1129 Judiciary
1130 Urban Affairs
1131 Natural Resources
1132 Banking, Commerce and Insurance
1133 Government, Military and Veterans Affairs
1134 Appropriations
1135 Government, Military and Veterans Affairs
1136 Health and Human Services
1137 Health and Human Services
1138 Education
1139 Government, Military and Veterans Affairs
1140 Judiciary
1141 Banking, Commerce and Insurance
1142 Judiciary
1143 Government, Military and Veterans Affairs
1144 Revenue
1145 Government, Military and Veterans Affairs
1146 Education
1147 Banking, Commerce and Insurance
1148 Judiciary
1149 Health and Human Services
1150 Transportation
1151 Revenue
1152 Business and Labor
1153 General Affairs
1154 Revenue
1155 Transportation
1156 Transportation
1157 Transportation
1158 Transportation
1159 Revenue

LR	**Committee**
299CA	Judiciary

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

SELECT FILE

LEGISLATIVE BILL 846. Advanced to E & R for engrossment.
LEGISLATIVE BILL 847. Advanced to E & R for engrossment.
LEGISLATIVE BILL 848. Advanced to E & R for engrossment.
LEGISLATIVE BILL 849. Advanced to E & R for engrossment.
LEGISLATIVE BILL 850. Advanced to E & R for engrossment.
LEGISLATIVE BILL 851. Advanced to E & R for engrossment.
LEGISLATIVE BILL 852. Advanced to E & R for engrossment.
LEGISLATIVE BILL 853. Advanced to E & R for engrossment.

LEGISLATIVE BILL 854. Advanced to E & R for engrossment.
LEGISLATIVE BILL 855. Advanced to E & R for engrossment.
LEGISLATIVE BILL 856. Advanced to E & R for engrossment.
LEGISLATIVE BILL 857. Advanced to E & R for engrossment.

LEGISLATIVE BILL 858. E & R amendment, AM5602, found in the Journal on page 344, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 859. Advanced to E & R for engrossment.

LEGISLATIVE BILL 421. Considered.

Mr. Kristensen renewed his pending amendment, AM2626, printed separately from the Journal and referred to on page 311.

Mr. Wehrbein offered the following amendment to the Kristensen pending amendment:
FA317
Amend AM2626.
On page 7 line 22 before the period insert "at a mutually agreed to time".

The Wehrbein amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Wickersham offered the following amendment to the Kristensen pending amendment:
AM2788

(Amendments to AM2626)

1. On page 7, line 11, after "shall" insert "waive, in whole or in part, application of section 24 of this act or shall".

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

The Wickersham amendment lost with 5 ayes, 15 nays, 21 present and not voting, and 8 excused and not voting.

Mrs. Pirsch offered the following amendment to the Kristensen pending amendment:
FA318
Amend AM2626.
1) On page 5, line 19 strike "November 1, 1994" and insert "October 2, 1995"
2) On page 5, line 20, strike "April 3," and insert "October 2,"
3) On page 12, line 12 strike "April 3," and insert "October 2,"

The Pirsch amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

SPEAKER WITHEM PRESIDING

The Kristensen amendment, as amended, was adopted with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1230. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend sections 81-2,239, 81-2,240, and 81-2,253, Revised Statutes Supplement, 1992; to define and redefine a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1231. Introduced by Haberman, 44.

A BILL FOR AN ACT relating to local hospital districts; to amend section 23-3552, Revised Statutes Supplement, 1993; to change provisions relating to a tax levy; to provide for the conversion of county hospitals into local hospital districts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1232. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to schools; to amend section 79-444.01, Revised Statutes Supplement, 1993; to change provisions relating to student immunization against contagious diseases; and to repeal the original section.

LEGISLATIVE BILL 1233. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-513, 46-133, 77-202.02, 77-202.04 to 77-202.07, 77-202.25, 77-367, 77-368, 77-370, 77-415, 77-416, 77-418, 77-419, 77-420, 77-421, 77-425, 77-428, 77-501, 77-502, 77-503, 77-602, 77-605 to 77-609, 77-611, 77-612, 77-616, 77-621, 77-623, 77-801 to 77-804, 77-1216, 77-1234, 77-1245, 77-1247, 77-1249.01, 77-1250, 77-1250.02 to 77-1250.05, 77-1301.02, 77-1301.03, 77-1301.04, 77-1301.06, 77-1301.08, 77-1301.14, 77-1301.15, 77-1306.01, 77-1314, 77-1329 to 77-1332, 77-1334, 77-1336, 77-1339, 77-1340, 77-1345, 77-1346, 77-1360, 77-1362, 77-1364, 77-1371, 77-1507, 77-1515, 77-1613.02,

77-1615.01, 77-1704.01, 77-1705, 77-3520, 77-3521, 77-3523, 77-3524, 77-3528, 77-3902, 77-3903, 77-3907, and 77-3908, Reissue Revised Statutes of Nebraska, 1943, sections 66-4,144, 77-3,113 to 77-3,116, 77-603, 77-604, 77-615, 77-682, 77-683, 77-685, 77-686, 77-687, 77-689, 77-690, 77-691, 77-693, 77-1229, 77-1233.04, 77-1248, 77-1249, 77-1301.01, 77-1301.07, 77-1301.12, 77-1301.13, 77-1311, 77-1327, 77-1333, 77-1338, 77-1342, 77-1359, 77-1360.01, 77-1361, 77-1363, 77-1367, 77-1376, 77-1377, 77-1502, 77-1504, 77-1506.02, 77-1514, 77-1602, 77-1607, 77-1613.01, 77-1775, 77-27,137, 77-3508, 77-3510, 77-3513, 77-3514, 77-3516, and 77-3517, Revised Statutes Supplement, 1992, and sections 13-504, 13-509, 66-4,142, 77-202.01, 77-202.03, 77-366, 77-507.01, 77-508, 77-509, 77-509.01, 77-680, 77-681, 77-684, 77-1735, 77-1736.06, 77-1775.01, 77-3438, 77-3904, 77-3905, 77-3906, and 79-3819, Revised Statutes Supplement, 1993; to adopt the Property Tax Equalization Commission Act; to create and eliminate commissions; to transfer powers and duties; to harmonize provisions; to provide a contingent operative date; and to repeal the original sections, and also sections 77-371, 77-508.01, 77-511, 77-1325, and 77-1373, Reissue Revised Statutes of Nebraska, 1943, and sections 77-505, 77-506, 77-510, and 77-1372, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 1234. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to state aid to schools; to amend section 79-3801, Revised Statutes Supplement, 1992, and section 79-3806, Revised Statutes Supplement, 1993; to change provisions relating to equalization aid for option students; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1235. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to unclaimed property; to amend sections 69-1301, 69-1308, 69-1310, and 69-1315, Revised Statutes Supplement, 1993; to redefine a term; to change and eliminate presumptions concerning abandonment of intangible personal property; to harmonize provisions; and to repeal the original sections, and also section 69-1307.01, Revised Statutes Supplement, 1993.

LEGISLATIVE BILL 1236. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska State Historical Society; to amend section 82-101, Reissue Revised Statutes of Nebraska, 1943; to state intent; to recognize the Nebraska State Historical Society as a state agency; to require that all present and future collections of property be held in trust; to provide for the manner of governance; to provide powers and duties; to provide the selection method for board of trustees; to change and eliminate provisions relating to sale or disposition of material in the society's

collections; to repeal the original section, and also section 82-108.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1237. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to sales and income tax; to amend section 77-2704.12, Revised Statutes Supplement, 1993; to provide an exemption from sales and use taxes for purchases for paralyzed veterans made by certain veterans organizations; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1238. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to retirement; to amend section 24-701, Revised Statutes Supplement, 1992, and section 81-2026, Revised Statutes Supplement, 1993; to redefine final average compensation and final average monthly compensation for judges and members of the Nebraska State Patrol; and to repeal the original sections.

LEGISLATIVE BILL 1239. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Class VI school system tax levy; to amend section 79-438.13, Revised Statutes Supplement, 1993; to provide for recalculation of the levy as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1240. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to power districts and corporations; to amend sections 70-655 and 70-1002.03, Reissue Revised Statutes of Nebraska, 1943; to provide for review of rates by the Nebraska Power Review Board; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1241. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1111, Revised Statutes Supplement, 1993; to exempt from registration transactions in which securities issued by the United States are given as bonuses; and to repeal the original section.

LEGISLATIVE BILL 1242. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1705, Reissue Revised Statutes of Nebraska, 1943; to authorize payment of real estate and personal property taxes in installments as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1243. Introduced by Hall, 7.

A BILL FOR AN ACT relating to the Legislative Council; to amend section 49-14,101, Reissue Revised Statutes of Nebraska, 1943, and section 50-401.01, Revised Statutes Supplement, 1993; to authorize the Executive Board to allow members of the Legislature to privately install and use certain communication equipment as prescribed; to provide additional powers with respect to actuarial services; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1244. Introduced by Hall, 7.

A BILL FOR AN ACT relating to statute revision; to amend sections 24-212, 49-702, 49-765, and 49-767, Reissue Revised Statutes of Nebraska, 1943; to provide for annotations of decisions of the Court of Appeals; to provide that the statutes printed by the Revisor of Statutes shall constitute the official version of the statutes; to provide for their use in the courts as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1245. Introduced by Wickersham, 49; Day, 19.

A BILL FOR AN ACT relating to firefighter retirement; to amend sections 16-1027, 16-1028, and 16-1033, Revised Statutes Supplement, 1993; to change provisions relating to the firefighters' retirement systems for cities of the first class; to change benefit, retirement, lump-sum payment, and vesting provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1246. Introduced by Ashford, 6; Crosby, 29; Pirsch, 10.

A BILL FOR AN ACT relating to taxation; to amend section 77-2701, Revised Statutes Supplement, 1993; to provide for a credit against income tax for companies that contribute to a firearm buy-back program as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1247. Introduced by Withem, 14.

A BILL FOR AN ACT relating to educational telecomputing resources; to amend sections 79-2225 and 79-3819, Revised Statutes Supplement, 1993; to provide powers and duties for educational service units; to provide exceeding allowable growth rates as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1248. Introduced by Withem, 14.

A BILL FOR AN ACT relating to juveniles; to amend section 43-2,129, Revised Statutes Supplement, 1992; to require juveniles who are on probation to attend school or an on-the-job training program; to provide duties for the juvenile court relating to probation orders, conditions of probation, and the establishment of certain programs; to provide duties for schools and juvenile probation officers relating to behavioral guidelines and educational objectives; to require schools to screen certain juveniles for disabilities; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1249. Introduced by Withem, 14.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-3805, Revised Statutes Supplement, 1992; to change provisions relating to calculation of tiered cost per student; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1250. Introduced by Withem, 14.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 79-211, 79-4,170 to 79-4,176, 79-4,178, 79-4,179, and 79-4,181 to 79-4,204, Reissue Revised Statutes of Nebraska, 1943, and section 79-4,180, Revised Statutes Supplement, 1992; to provide for services relating to truancy; to name the Student Discipline Act; to authorize additional disciplinary actions; to require compliance with certain other laws as prescribed; to change provisions relating to giving notice; to provide for reassignment agreements among schools; to provide for suspension of an expulsion as prescribed; to change provisions relating to grounds for long-term suspension, expulsion, or reassignment; to provide time periods for expulsion or exclusion; to provide for notification of law enforcement agencies as prescribed; to provide for notification of parents as prescribed; to harmonize provisions; to eliminate provisions relating to special schools for truants and incorrigibles; and to repeal the original sections, and also section 79-212, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1251. Introduced by Moore, 24.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 77-2701.01 and 77-2701.02, Reissue Revised Statutes of Nebraska, 1943, and sections 79-3509, 79-3802, 79-3804, and 79-3816, Revised Statutes Supplement, 1992, and section 79-3822, Revised Statutes Supplement, 1993; to change the income tax rate and the sales tax rate; to change provisions relating to an appropriation under the Help Education Lead to Prosperity Act; to change the percentage of income tax receipts dedicated to public school support; to change provisions relating to

allowable growth rate and range; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 1252. Introduced by Moore, 24; Wehrbein, 2.

A BILL FOR AN ACT relating to recall elections; to amend section 32-1403, Revised Statutes Supplement, 1992; to increase the number of petition signatures required for the recall of elected members of certain cities and villages; and to repeal the original section.

LEGISLATIVE BILL 1253. Introduced by Moore, 24; Hillman, 48.

A BILL FOR AN ACT relating to community colleges; to amend sections 85-960.01, 85-962, 85-1503, and 85-1536, Revised Statutes Supplement, 1993; to change provisions relating to applied research, academic support, instructional and service priorities, and allocation and distribution of funds; to redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 1254. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to park entry permits; to amend section 37-1103, Reissue Revised Statutes of Nebraska, 1943; to provide an exception for certain motor vehicles as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1255. Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-718, Revised Statutes Supplement, 1992; to increase the tax levy authorization for fire department purposes; and to repeal the original section.

LEGISLATIVE BILL 1256. Introduced by Hartnett, 45; Moore, 24.

A BILL FOR AN ACT relating to schools; to amend section 79-446, Revised Statutes Supplement, 1993; to authorize the state to pay tuition for children of nonmilitary federal employees as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1257. Introduced by Hillman, 48; Matzke, 47; Wickersham, 49.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend sections 13-501 and 13-509.01, Revised Statutes Supplement, 1993; to authorize exceeding certain cash expenditure limits; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1258. Introduced by Hillman, 48; Wickersham, 49.

A BILL FOR AN ACT relating to schools; to authorize issuing of passes for certain individuals to school activities as prescribed; and to define a term; and to declare an emergency.

LEGISLATIVE BILL 1259. Introduced by Hillman, 48; Avery, 3.

A BILL FOR AN ACT relating to emergency telephone communications systems; to amend section 86-1003, Revised Statutes Supplement, 1992; to increase certain service surcharges; and to repeal the original section.

LEGISLATIVE BILL 1260. Introduced by Hall, 7; Bohlke, 33; McKenzie, 34.

A BILL FOR AN ACT relating to cable television; to amend section 86-808, Reissue Revised Statutes of Nebraska, 1943; to adopt the Cable Television Act; to provide penalties; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 1261. Introduced by Lynch, 13; McKenzie, 34; Rasmussen, 20.

A BILL FOR AN ACT relating to environmental lead; to adopt the Environmental Lead Hazard Control Act.

LEGISLATIVE BILL 1262. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to health care; to adopt the Primary Care Provider Act.

LEGISLATIVE BILL 1263. Introduced by Wesely, 26; Wickersham, 49.

A BILL FOR AN ACT relating to public health and welfare; and to adopt the Nebraska Trauma Systems Development Act.

LEGISLATIVE BILL 1264. Introduced by Wesely, 26; Bohlke, 33; Chambers, 11; Day, 19; Rasmussen, 20.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-1020, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to eligibility; to require premiums; to provide duties for the Department of Social Services; and to repeal the original section.

LEGISLATIVE BILL 1265. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act; to amend sections 44-2801 and 44-2827, Reissue Revised Statutes of Nebraska, 1943, and sections 44-2803 and 44-2824, Revised Statutes Supplement, 1993; to make the act applicable to optometrists, nurse practitioners, and podiatrists; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1266. Introduced by McKenzie, 34; Day, 19.

A BILL FOR AN ACT relating to school activities; to recognize the Nebraska School Activities Association; to provide procedures; to restrict certain activities; and to provide powers and duties for the State Board of Education.

LEGISLATIVE BILL 1267. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to water wells; to amend section 46-602, Revised Statutes Supplement, 1993; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 1268. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to retirement; to amend section 84-1511, Revised Statutes Supplement, 1993; to change provisions relating to leave with pay and expenses for attending preretirement planning programs; and to repeal the original section.

LEGISLATIVE BILL 1269. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to schools; to amend section 79-3805, Revised Statutes Supplement, 1992; to change provisions relating to the tiered cost per student as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1270. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to power districts; to state intent; to define terms; to provide for public access to and public comment on certain contracts as prescribed; and to provide duties for the Nebraska Power Review Board.

LEGISLATIVE BILL 1271. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to radioactive waste; to amend section 81-15,102, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to ownership of radioactive material in the disposal site; and to repeal the original section.

LEGISLATIVE BILL 1272. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to low-level radioactive waste; to amend section 81-15,102.01, Revised Statutes Supplement, 1992; to change provisions relating to compensation for loss of value of property near the facility; to create funds; to establish fees; to provide duties for the Environmental Quality Council and the Department of Environmental Quality; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1273. Introduced by Withem, 14; Preister, 5.

A BILL FOR AN ACT relating to county officers; to amend sections 32-315, 32-316, and 32-535, Reissue Revised Statutes of Nebraska, 1943, sections 23-222.01, 23-3201, 32-307, and 32-310, Revised Statutes Supplement, 1992, and section 32-308, Revised Statutes Supplement, 1993; to change provisions so as to have certain county officers elected on a nonpartisan basis; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1274. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Pesticide Act; to amend sections 2-2634, 2-2635, and 2-2638, Revised Statutes Supplement, 1993; to change the amounts of certain fees and the distribution thereof; and to repeal the original sections.

LEGISLATIVE BILL 1275. Introduced by Withem, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1327, Revised Statutes Supplement, 1992; to require county assessors to publicize assessment ratios and other statistical measures; and to repeal the original section.

LEGISLATIVE BILL 1276. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to drugs; to define terms; to provide pricing requirements for manufacturers and sellers; to prohibit certain purchases as prescribed; to provide for a civil action; to provide a civil penalty; and to provide powers and duties for the Attorney General and the Department of Health.

LEGISLATIVE BILL 1277. Introduced by Wickersham, 49; Bohlke, 33; Bromm, 23; Cudaback, 36; Elmer, 38; Hillman, 48; Jones, 43; Matzke, 47; McKenzie, 34.

A BILL FOR AN ACT relating to water; to amend sections 46-122, 46-261, 46-290, and 46-1008, Reissue Revised Statutes of Nebraska, 1943, section 46-541, Revised Statutes Supplement, 1992, and section 46-229, Revised Statutes Supplement, 1993; to provide that certain

districts and companies hold water appropriations for the benefit of electors and shareholders; to authorize the transfer of appropriations between lands within or served by the districts and companies; to require reports; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1278. Introduced by Hall, 7.

A BILL FOR AN ACT relating to gambling; to amend sections 28-1101, 28-1105, and 28-1113, Revised Statutes Supplement, 1993; to adopt the Excursion Gambling Boat Act; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1279. Introduced by Hall, 7.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-115, Revised Statutes Supplement, 1993; to redefine the term employer to include newspaper carriers; and to repeal the original section.

LEGISLATIVE BILL 1280. Introduced by Hall, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Supplement, 1992; to eliminate a property tax exemption for certain not-for-profit hospitals; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1281. Introduced by Hall, 7.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2704.12, Revised Statutes Supplement, 1993; to eliminate tax exemptions for hospitals, nursing facilities, and certain nonprofit organizations; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1282. Introduced by Hall, 7.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,129 and 60-6,206, Revised Statutes Supplement, 1993; to authorize the issuance of an employment driving permit during a period of administrative revocation; to eliminate provisions relating to eligibility for an employment driving permit and an ignition interlock device order; and to repeal the original sections.

LEGISLATIVE BILL 1283. Introduced by Hall, 7.

A BILL FOR AN ACT relating to ethanol; to amend sections 66-1330 and 66-1345, Revised Statutes Supplement, 1993; to provide funding for small ethanol facility construction; to provide a preference for

Nebraska workers for facilities receiving incentives; and to repeal the original sections.

LEGISLATIVE BILL 1284. Introduced by Hall, 7.

A BILL FOR AN ACT relating to ethanol; to amend section 66-1344, Revised Statutes Supplement, 1993; to limit the ethanol tax credits available; and to repeal the original section.

LEGISLATIVE BILL 1285. Introduced by Witek, 31; Pirsch, 10; Vrtiska, 1.

A BILL FOR AN ACT relating to medical assistance; to amend sections 68-1019 and 68-1021, Revised Statutes Supplement, 1993; to exempt pharmacy services from medical assistance payments as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1286. Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to motor vehicles; to adopt the Collision Repair Facility Act; to provide an operative date; and to provide severability.

LEGISLATIVE BILL 1287. Introduced by Avery, 3; Day, 19; Engel, 17; Lynch, 13; Robak, 22; Schmitt, 41; Wehrbein, 2.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend section 81-2017, Revised Statutes Supplement, 1992; to increase the retirement system contribution rate; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1288. Introduced by Avery, 3; Robinson, 16.

A BILL FOR AN ACT relating to the environment; to amend section 81-1503, Revised Statutes Supplement, 1992, and section 81-15,161, Revised Statutes Supplement, 1993; to change provisions relating to the Environmental Quality Council; to require a majority vote of all members of the council for the disbursement of certain funds; to eliminate provisions relating to council approval of Waste Reduction and Recycling Fund grants approved by the director; and to repeal the original sections.

LEGISLATIVE BILL 1289. Introduced by Warner, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Revenue.

LEGISLATIVE BILL 1290. Introduced by Warner, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-3809, Revised Statutes Supplement, 1992; to change provisions relating to adjusted valuation; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1291. Introduced by Warner, 25.

A BILL FOR AN ACT relating to fire protection districts; to amend sections 9-211 and 9-309, Reissue Revised Statutes of Nebraska, 1943, and sections 35-508 and 35-509, Revised Statutes Supplement, 1992; to redefine terms relating to donations of profits from bingo and pickle card activities; to provide an additional power for boards of directors relating to retirement plans for members of a volunteer fire department or company; to provide a power for the Department of Revenue; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1292. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to liquor wholesalers; to amend section 53-101, Revised Statutes Supplement, 1993; to require purchase of alcoholic liquor from certain suppliers as prescribed; to harmonize provisions; and to repeal the original section.

UNANIMOUS CONSENT - Member Excused

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 248. E & R amendment, AM5600, found in the Journal on page 344, was adopted.

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

Mr. Lynch renewed his pending amendment, AM2745, found in the Journal on page 365.

Mr. Lynch moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Lynch amendment was adopted with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Haberman offered the following amendment:
FA319

Amend by adding the following:

The provisions of this act shall only apply to counties with a population of over 100,000 persons.

The Haberman amendment was adopted with 25 ayes, 3 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Robinson requested a machine vote on the advancement of the bill.

Mr. Lynch moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Mrs. Witek requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Abboud	Hartnett	Lynch	Rasmussen	Wehrbein
Beutler	Hillman	McKenzie	Schimek	Wesely
Bohlke	Hudkins	Monen	Schmitt	Wickersham
Chambers	Janssen	Pedersen	Vrtiska	Will
Haberman	Lindsay	Preister	Warner	Withem
Hall				

Voting in the negative, 16:

Ashford	Byars	Day	Kristensen	Robinson
Bernard-Stevens	Coordsen	Elmer	Matzke	Schellpeper
Bromm	Crosby	Fisher	Pirsch	Witek
	Cudaback			

Present and not voting, 5:

Avery	Dierks	Jones	Moore	Robak

Excused and not voting, 2:

Engel	Landis

Advanced to E & R for engrossment with 26 ayes, 16 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mmes. Hillman and Rasmussen asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 248A. E & R amendment, AM5601, found in the Journal on page 349, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 737. E & R amendment, AM5603, found in the Journal on page 349, was adopted.

Mr. Fisher moved to bracket LB 737 until February 17, 1994.

PRESIDENT ROBAK PRESIDING

Mr. Lynch and Mrs. Pirsch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Fisher moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Fisher requested a roll call vote on his motion to bracket.

Voting in the affirmative, 14:

Abboud	Fisher	Janssen	Pedersen	Vrtiska
Cudaback	Haberman	Jones	Schellpeper	Wickersham
Elmer	Hudkins	Kristensen	Schmitt	

Voting in the negative, 27:

Ashford	Bromm	Dierks	Monen	Warner
Avery	Byars	Hall	Moore	Wehrbein
Bernard-Stevens	Chambers	Hartnett	Preister	Wesely
	Coordsen	Landis	Robinson	Will
Beutler	Crosby	Lindsay	Schimek	Withem
Bohlke	Day	McKenzie		

Present and not voting, 3:

Matzke	Robak	Witek

Excused and not voting, 5:

Engel	Hillman	Lynch	Pirsch	Rasmussen

The Fisher motion to bracket lost with 14 ayes, 27 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 381. Placed on Select File.

LEGISLATIVE BILL 480. Placed on Select File as amended.
E & R amendment to LB 480:
AM5608

1. In the Beutler amendment, AM1889:

a. Because of the amendment of section 2-4603 by Laws 1993, LB 121, section 80, strike section 22 and insert the following new section:

"Sec. 22. That section 2-4603, Revised Statutes Supplement, 1993, be amended to read as follows:

2-4603. ~~As used in~~ For purposes of the Erosion and Sediment Control Act, unless the context otherwise requires:

(1) Commission shall mean the Nebraska Natural Resources Commission;

(2) Conservation agreement shall mean an agreement between the owner or operator of a farm unit and the district in which the owner or operator agrees to implement a farm unit conservation plan or, with the approval of the district within which the farm unit is located, a portion of a farm unit conservation plan. The agreement shall include a schedule for implementation and may be conditioned on the ~~furnishing by the~~ district or other public entity ~~of~~ furnishing technical, planning, or financial assistance in the establishment of the soil and water conservation practices necessary to implement the plan or a portion of the plan;

(3) Director shall mean the Director of Natural Resources;

(4) District shall mean a natural resources district;

(5) Erosion or sediment control practice shall mean:

(a) The construction or installation and maintenance of permanent structures or devices necessary to carry, to a suitable outlet away from any building site, any commercial or industrial development, or any publicly or privately owned recreational or service facility not served by a central storm sewer system, any water which would otherwise cause erosion in excess of the applicable soil-loss limit and which does not carry or constitute sewage or industrial or other waste;

(b) The employment of temporary devices or structures, temporary seeding, fiber mats, plastic, straw, diversions, silt fences, sediment traps, or other measures adequate either to prevent erosion in excess of the applicable soil-loss limit or to prevent excessive downstream sedimentation from land which is the site of or is directly affected by any nonagricultural land-disturbing activity; or

(c) The establishment and maintenance of vegetation upon the right-of-way of any completed portion of any public

street, road, or highway or the construction or installation thereon of permanent structures or devices or other measures adequate to prevent erosion of the right-of-way in excess of the applicable soil-loss limit;

(6) Farm unit conservation plan shall mean a plan jointly developed by the owner and, if appropriate, the operator of a farm unit and the ~~natural resources~~ district within which the farm unit is located based upon the determined conservation needs for the farm unit and identifying the soil and water conservation practices which may be expected to prevent soil loss by erosion from that farm unit in excess of the applicable soil-loss limit. The plan may also, if practicable, identify alternative practices by which such objective may be attained;

(7) Nonagricultural land-disturbing activity shall mean a land change, including, but not limited to, tilling, clearing, grading, excavating, transporting, or filling land, which may result in soil erosion from wind or water and the movement of sediment and sediment-related pollutants into the waters of the state or onto lands in the state but shall not include the following:

(a) Activities related directly to the production of agricultural, horticultural, or silvicultural crops, including, but not limited to, tilling, planting, or harvesting of such crops;

(b) Installation of aboveground public utility lines and connections, fenceposts, sign posts, telephone poles, electric poles, and other kinds of posts or poles;

(c) Emergency work to protect life or property; and

(d) Activities related to the construction of housing, industrial, and commercial developments on sites under two acres in size;

(8) Person shall mean any individual, partnership, limited liability company, firm, association, joint venture, public or private corporation, trust, estate, commission, board, institution, utility, cooperative, municipality or other political subdivision of this state, interstate body, or other legal entity;

(9) Soil and water conservation practice shall mean a practice which serves to prevent erosion of soil by wind or water in excess of the applicable soil-loss limit from land used only for agricultural, horticultural, or silvicultural purposes. Soil and water conservation practice shall include, but not be limited to:

(a) Permanent soil and water conservation practice, including the planting of perennial grasses, legumes, shrubs, or trees, the establishment of grassed waterways, the construction of terraces, and other permanent soil and water practices approved by the district; and

(b) Temporary soil and water conservation practice, including the planting of annual or biennial crops, use of strip-cropping, contour planting, minimum or mulch tillage, and other cultural practices approved by the district; and

(10) Soil-loss limit shall mean the maximum amount of soil loss due to erosion by wind or water, expressed in terms of tons per acre per year, which is determined to be acceptable in accordance with the Erosion and Sediment Control Act.";

b. On page 1, line 6, after the comma insert "and sections 16 to 21 of this act"; and in line 11 reinstate the stricken matter and strike "such sections" and insert ", and sections 16 to 21 of this act";

c. On page 27, line 20, after "hearing" insert an underscored comma;

d. On page 28, lines 12 and 13, strike "maps" and insert "map"; and

e. On page 38, line 8, strike the second comma and show as stricken; in line 20 strike "2-3227,"; in line 21 strike "2-4603,"; and in line 23 after the second comma insert "section 2-3227, Revised Statutes Supplement, 1992, and section 2-4603, Revised Statutes Supplement, 1993,".

2. Strike beginning with page 1, line 2, through page 2, line 3, and insert "2-3202, 2-3204, 2-3212.01, 2-3213, 2-3214, 2-3219, 2-3222, 2-3226, 2-3228, 2-3232, 2-3233, 2-3234, 2-3235, 2-3254, 2-4608, 2-4610, and 46-629, Reissue Revised Statutes of Nebraska, 1943, section 2-3227, Revised Statutes Supplement, 1992, and section 2-4603, Revised Statutes Supplement, 1993; to eliminate requirements for approval of changes in the number of directors, changes of boundaries of subdistricts, and changes in the manner of electing directors; to change authorized investments; to authorize adoption of flood control improvement corridor maps; to require building permits within the corridors; to state intent; to redefine terms; to change provisions relating to erosion and sediment control; to eliminate a reporting requirement for certain fees; to harmonize".

LEGISLATIVE BILL 501. Placed on Select File as amended.
E & R amendment to LB 501:
AM5612

1. On page 1, line 4, after the semicolon insert "to provide for reimbursement for mileage expenses;".

LEGISLATIVE BILL 511. Placed on Select File as amended.
E & R amendment to LB 511:
AM5613

1. Because of the amendment of section 71-1557 by Laws 1993, LB 121, section 424:

a. In the Standing Committee amendments, AM0967:

i. Strike section 6 and insert the following new section:

"Sec. 6. That section 71-1557, Revised Statutes Supplement, 1993, be amended to read as follows:

71-1557. As used in the Nebraska Uniform Standards for Modular Housing Units Act, unless the context otherwise requires:

(1) Modular housing unit shall mean any dwelling whose construction consists entirely of or the major portions of its construction consist of a unit or units not fabricated on the final site for the dwelling unit, which units are movable or portable until placed on a permanent foundation and connected to utilities. Modular housing units shall be taxed as real estate; ~~. The term modular housing unit shall not include a manufactured home as defined in section 71-4603;~~

(2) Living unit shall mean any portion of a modular housing unit which contains living facilities including provisions for sleeping, eating, cooking, and sanitation for no more than one family;

(3) Seal shall mean a device or insignia issued by the Department of Health to be displayed on the exterior of the modular housing unit to evidence compliance with departmental standards;

(4) Dealer shall mean any person other than a manufacturer who sells, offers to sell, distributes, or leases modular housing units primarily to persons who in good faith purchase or lease a modular housing unit for purposes other than resale;

(5) Manufacturer shall mean any person who manufactures or produces modular housing units;

(6) Person shall mean any individual, partnership, limited liability company, company, corporation, or association engaged in manufacturing, selling, offering to sell, or leasing modular housing units; and

(7) Department shall mean the Department of Health."; and

ii. On page 16, line 3, strike "71-1557,"; and in line 4, after the last comma insert "and section 71-1557, Revised Statutes Supplement, 1993,"; and

b. On page 1, line 2, strike "71-1557,"; and in line 3 after "1943" insert ", and section 71-1557, Revised Statutes Supplement, 1993".

2. In the Standing Committee amendments, AM0967:

a. On page 2, line 25; page 6, line 10; page 8, line 25; and page 11, line 16, strike "subdivision" and insert "subsection";

b. On page 7, line 7, strike "with" and insert "within";

c. On page 13, line 9, after "alteration" insert an underscored comma; and in line 17, strike the second comma and show as stricken; and

d. On page 15, line 15, strike the comma.

3. On page 1, line 5, after the semicolon insert "to redefine a term;".

LEGISLATIVE BILL 28. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5607.)

LEGISLATIVE RESOLUTION 15CA. Placed on Select File as amended.
E & R amendment to LR 15CA:
AM5609

1. On page 1, line 4, strike "FIRST" and insert "SECOND"; and in line 14 after "elected" insert "to the Legislature".

2. On page 2, line 2, strike "contain", show as stricken, and insert "contains"; and in line 15 after "elected" insert "to the Legislature".

LEGISLATIVE BILL 663. Placed on Select File as amended.
E & R amendment to LB 663:
AM5610

1. In the Moore amendment, AM2719, on page 1, line 4, after "history" insert "record".

2. In the Standing Committee amendments, AM0181, on page 1, line 14, after "history" insert "record".

LEGISLATIVE BILL 760. Placed on Select File.

LEGISLATIVE BILL 693. Placed on Select File as amended.
E & R amendment to LB 693:
AM5611

1. On page 2, line 25, strike "for" and insert "to".

2. On page 3, line 5, after "virus" insert "disease".

(Signed) Janis McKenzie, Chairperson

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 826. Placed on General File.

(Signed) Don Wesely, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 1131	Thursday, January 27, 1994	1:30 p.m.
LB 915	Thursday, January 27, 1994	1:30 p.m.
LB 916	Thursday, January 27, 1994	1:30 p.m.

(Signed) Chris Beutler, Chairperson

Appropriations

Thursday, January 27, 1994, Room 1003 1:30 p.m.
Agency 14 - Public Service Commission
Agency 22 - Department of Insurance
Agency 30 - State Electrical Board
Agency 63 - Board of Public Accountancy
Agency 68 - Mexican American Commission
Agency 73 - Board of Landscape Architects

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Fisher asked unanimous consent to print the following amendment to LB 896 in the Journal. No objections. So ordered.

AM2756

1. On page 2, strike beginning with "Such" in line 11 through line 15; and strike lines 26 through 28.
2. On page 3, line 1, strike "(e)" and insert "(d)"; and in line 3 strike "(f)" and insert "(e)".

Mr. Fisher asked unanimous consent to print the following amendment to LB 897 in the Journal. No objections. So ordered.

AM2755

1. Strike original section 5.
2. On page 2, line 1, strike "5" and insert "4".
3. Renumber the remaining sections accordingly.

Mrs. Crosby asked unanimous consent to print the following amendment to LB 460 in the Journal. No objections. So ordered.

AM2637

1. On page 2, lines 4 and 5 and 6, strike "or county" and show as stricken; strike line 15; in line 16 strike "(b)" and insert "(a)"; in line 17 strike "(c)" and insert "(b)"; in line 18 strike "(d)" and insert "(c)"; in line 19 strike "(e)" and insert "(d)"; in line 21 strike "(f)"

and insert "(e)"; in line 23 strike "licensed" and insert "authorized"; and in line 26 strike "or county".

2. On page 3, line 12, strike "county or".

3. On page 4, line 28, strike "licensed" and insert "authorized to conduct business in Nebraska and".

4. On page 5, line 1, strike "in Nebraska".

Mrs. Hillman asked unanimous consent to print the following amendment to LB 212 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2774.)

Mr. Hall asked unanimous consent to print the following amendment to LB 286 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2794.)

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bill 1233.

LB	Committee
1233	Revenue

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

NOTICE OF COMMITTEE HEARING
Revenue

LB 902	Thursday, January 27, 1994	1:30 p.m.
LB 885	Thursday, January 27, 1994	1:30 p.m.
LR 276CA	Thursday, January 27, 1994	1:30 p.m.
LR 277CA	Thursday, January 27, 1994	1:30 p.m.
LB 1233	Thursday, January 27, 1994	1:30 p.m.

(Signed) Jerome Warner, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1293. Introduced by Preister, 5; Chambers, 11; Crosby, 29; Dierks, 40; Schimek, 27.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-1419 and 28-1425, Reissue Revised Statutes of Nebraska, 1943, sections 28-1429.01 and 28-1429.02, Revised Statutes Supplement, 1992, and section 28-1421, Revised Statutes Supplement, 1993; to restate intent; to define terms; to change provisions relating to licenses for sale of tobacco and tobacco products; to prohibit certain acts; to change and provide penalties for sale of tobacco and tobacco products; and to repeal the original sections.

LEGISLATIVE BILL 1294. Introduced by Avery, 3.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-926, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to membership on the planning commission as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1295. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-213, Reissue Revised Statutes of Nebraska, 1943; to require the teaching of Nebraska history as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1296. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to midwives; to amend sections 33-150, 71-101, 71-102, 71-107, 71-110, 71-112, 71-113, 71-114, 71-116, 71-139.02, 71-162, and 71-2601, Revised Statutes Supplement, 1993; to state intent; to define terms; to provide for licensure of midwives; to create a board and a fund; to provide fees; to provide an additional member for the State Board of Health; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1297. Introduced by Ashford, 6.

A BILL FOR AN ACT relating to alarms; to amend sections 28-1251, 81-2102, 81-2108, 81-2117.02, 81-2118, 81-2119, and 81-2141, Revised Statutes Supplement, 1993; to adopt the Alarm Industry Licensing Act; to change penalty provisions; to eliminate provisions on fire alarm installers; to harmonize provisions; and to repeal the original sections, and also section 81-2112.02, Revised Statutes Supplement, 1993.

LEGISLATIVE BILL 1298. Introduced by Avery, 3; Kristensen, 37; Pirsch, 10; Will, 8.

A BILL FOR AN ACT relating to the Disposition of Personal Property Landlord and Tenant Act; to amend section 69-2303, Revised Statutes Supplement, 1992; to change provisions relating to personal property remaining on premises after vacation of premises by a tenant; and to repeal the original section.

LEGISLATIVE BILL 1299. Introduced by Ashford, 6; Rasmussen, 20.

A BILL FOR AN ACT relating to the University of Nebraska; to amend sections 85-105 and 85-133, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to eminent domain; to require the Board of Regents to provide notice to certain owners of real property and to publish notice of intent to commence certain proceedings relating to the acquisition of real property; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1300. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 81-815.57, Revised Statutes Supplement, 1993; to change a termination date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1301. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the environment; to amend section 77-4401, Revised Statutes Supplement, 1993; to adopt the Drinking Water Source Quality Act, the Tree Planting Incentive Act, and the River Assessment Act; to provide a termination date; to change the use and distribution of the fees remitted to the state; to create funds; and to repeal the original section.

LEGISLATIVE BILL 1302. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to real property; to amend section 76-1018, Reissue Revised Statutes of Nebraska, 1943, and section 45-711, Revised Statutes Supplement, 1992; to require reconveyance deeds and mortgage releases as prescribed; to authorize court actions; to provide a penalty; to provide for an affidavit procedure; to provide duties for lenders; to harmonize provisions; and to repeal the original sections, and also sections 76-255 and 76-1014, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1303. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Alzheimer's Special Care Disclosure Act.

LEGISLATIVE BILL 1304. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Byars, 30; Day, 19; Dierks, 40; Matzke, 47; Rasmussen, 20; Vrtiska, 1.

A BILL FOR AN ACT relating to long-term care insurance; to amend section 44-4502, Reissue Revised Statutes of Nebraska, 1943, and section 44-4501, Revised Statutes Supplement, 1992; to state intent; to provide duties for the Director of Insurance; to eliminate provisions regulating long-term care insurance policies; to harmonize provisions; and to repeal the original sections, and also sections 44-4512 and 44-4513, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 1305. Introduced by Ashford, 6; Matzke, 47; Rasmussen, 20.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 1993; to provide an income tax credit for long-term care insurance premiums as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1306. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Day, 19; Fisher, 35; Lynch, 13; Moore, 24; Robak, 22.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2321 and 84-1323, Reissue Revised Statutes of Nebraska, 1943, sections 79-1533, 81-2031, and 84-1319, Revised Statutes Supplement, 1992, and sections 23-2319, 79-1551, 81-2025, 81-2026, and 84-1321, Revised Statutes Supplement, 1993; to change provisions relating to deferred annuities, death benefits, late fees, contributions, annuity eligibility requirements, retirement age, and compensation; to eliminate provisions relating to purchase of service credit by school employees; to repeal the original sections, and also sections 79-1514.07 to 79-1514.09, Revised Statutes Supplement, 1992; and to declare an emergency.

LEGISLATIVE BILL 1307. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to courts; to amend sections 24-803 and 24-810, Revised Statutes Supplement, 1992; to eliminate the Judicial Resources Commission; to require the Legislature to make determinations relating to judicial vacancies for judges of the county court and district court; to harmonize provisions; and to repeal the original sections, and also sections 24-809.01 to 24-809.03, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 1308. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to county courts; to amend section 25-2705, Reissue Revised Statutes of Nebraska, 1943; to eliminate trial by jury for certain criminal cases in county court as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1309. Introduced by Bromm, 23; Avery, 3; Hall, 7; Hartnett, 45; Schmitt, 41.

A BILL FOR AN ACT relating to elections; to amend sections 32-1001.29 and 32-1001.31, Revised Statutes Supplement, 1992; to raise the amount of attorney's fees in contested elections; to change provisions relating to bonds filed in a contested election; and to repeal the original sections.

LEGISLATIVE BILL 1310. Introduced by Education Committee: Bohlke, 33, Chairperson; Beutler, 28; Janssen, 15; McKenzie, 34; Monen, 4; Rasmussen, 20; Warner, 25; Wickersham, 49.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 79-488, 79-801.02, 79-1248, and 79-2208, Reissue Revised Statutes of Nebraska, 1943, sections 79-451, 79-4,159, 79-1247.06, and 79-3813, Revised Statutes Supplement, 1992, and sections 13-504, 79-101.01, and 79-4,207, Revised Statutes Supplement, 1993; to change a certification date as prescribed; to eliminate references to certain Class I school districts; to eliminate reporting of wages paid to substitute teachers; to change reporting dates as prescribed; to harmonize budget submission dates; to change an effective date relating to mergers; to delete a reference to a provisional teaching certificate; to delete references to forms relating to contracts and educational service units; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1311. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-490, Revised Statutes Supplement, 1993; to change provisions relating to transportation allowances; and to repeal the original section.

LEGISLATIVE BILL 1312. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-445, Revised Statutes Supplement, 1993; to change provisions relating to a tuition exemption; and to repeal the original section.

LEGISLATIVE BILL 1313. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to retail liquor licenses; to amend sections 9-823, 53-103, and 53-124, Revised Statutes Supplement, 1993; to change provisions relating to sales of lottery tickets as prescribed; to define a term; to provide for a sampling designation on Class C liquor licenses; and to repeal the original sections.

LEGISLATIVE BILL 1314. Introduced by Robinson, 16; Day, 19; Haberman, 44; Schimek, 27.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-1701, Reissue Revised Statutes of Nebraska, 1943; to prohibit participation in certain activities and services as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1315. Introduced by Withem, 14.

A BILL FOR AN ACT relating to the Wage and Hour Act; to amend sections 48-1205, 48-1206, 48-1207, and 48-1208, Reissue Revised Statutes of Nebraska, 1943, section 48-1203, Revised Statutes Supplement, 1992, and section 48-1202, Revised Statutes Supplement, 1993; to redefine terms; to change provisions relating to minimum wage paid to certain persons and records to be preserved for proof of compensation as prescribed; to change provisions relating to duties of the Commissioner of Labor; to change provisions relating to collective bargaining; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1316. Introduced by Schimek, 27; Day, 19; Hartnett, 45; Wehrbein, 2.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-1575 and 2-1577, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1576 and 77-2602, Revised Statutes Supplement, 1993; to state intent; to increase the cigarette tax; to provide for use of the proceeds for purposes related to ground water quality, conservation easements, and plantings; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1317. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to motor vehicles; to provide distance requirements between the frame and the ground; to provide suspension requirements; to provide a penalty; and to provide an operative date.

LEGISLATIVE BILL 1318. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to parental rights; to amend sections 30-2608, 43-104, 43-104.02, 43-104.05, 43-906, and 43-1202, Reissue Revised Statutes of Nebraska, 1943, section 43-105, Revised Statutes Supplement, 1992, and sections 43-102 and 43-1411, Revised Statutes

Supplement, 1993; to provide in the adoption of a child born out of wedlock notice to the biological father as prescribed, appointment of guardian ad litem, and determination or termination of parental rights; to provide the alternative of court appointment of a guardian other than the surviving natural parent of a minor in probate proceedings; to harmonize provisions; to change and eliminate provisions relating to paternity claims and relinquishment for adoption requirements; and to repeal the original sections, and also sections 43-104.04 and 43-104.06, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1319. Introduced by Wesely, 26; Beutler, 28; Crosby, 29; Day, 19; Rasmussen, 20; Schimek, 27; Schmitt, 41.

A BILL FOR AN ACT relating to sexually violent predators; to state intent; to define terms; to authorize involuntary commitment for treatment; to prescribe procedures for commitment; and to provide powers and duties for courts and the Department of Public Institutions.

LEGISLATIVE BILL 1320. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Bromm, 23; Preister, 5; Robinson, 16; Schimek, 27.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-901, Reissue Revised Statutes of Nebraska, 1943, and section 16-902, Revised Statutes Supplement, 1993; to change provisions relating to the exercise of jurisdiction as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1321. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Bromm, 23; Preister, 5; Robinson, 16; Schimek, 27.

A BILL FOR AN ACT relating to cities and counties; to create urbanizing area planning commissions; to provide powers and duties; to eliminate powers and duties of county planning commissions as prescribed.

LEGISLATIVE BILL 1322. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Bromm, 23; Preister, 5; Robinson, 16; Schimek, 27.

A BILL FOR AN ACT relating to the Municipal Natural Gas Regulation Act; to amend section 19-4616, Reissue Revised Statutes of Nebraska, 1943, and section 19-4618, Revised Statutes Supplement, 1993; to provide for a consolidate rate hearing by video teleconference as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1323. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Bromm, 23; Preister, 5; Robinson, 16; Schimek, 27.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-705, 31-707, and 31-733, Reissue Revised Statutes of Nebraska, 1943; to increase salaries for sanitary and improvement district trustees and clerks; and to repeal the original sections.

LEGISLATIVE BILL 1324. Introduced by Hall, 7.

A BILL FOR AN ACT relating to the state lottery; to amend section 9-803, Revised Statutes Supplement, 1993; to authorize use of electronic and mechanical gaming devices; and to repeal the original section.

LEGISLATIVE BILL 1325. Introduced by Hall, 7.

A BILL FOR AN ACT relating to the Nebraska Health Care Certificate of Need Act; to amend section 84-1409, Revised Statutes Supplement, 1993; to eliminate the act; to harmonize provisions; and to repeal the original section, and also sections 71-5802, 71-5804 to 71-5809.01, 71-5812, 71-5813, 71-5815 to 71-5821.01, 71-5823 to 71-5826, 71-5828, 71-5829, 71-5830.01, 71-5832, 71-5832.01, 71-5833 to 71-5836.02, 71-5838, 71-5840, 71-5841, 71-5846, 71-5848, 71-5848.01, 71-5851 to 71-5855, 71-5857, 71-5859 to 71-5859.04, 71-5865, 71-5866, and 71-5868 to 71-5870, Reissue Revised Statutes of Nebraska, 1943, sections 71-5803 and 71-5809.02, Revised Statutes Supplement, 1992, and sections 71-5801, 71-5810, 71-5811, 71-5822, 71-5830, 71-5831, 71-5837, and 71-5849, Revised Statutes Supplement, 1993.

LEGISLATIVE BILL 1326. Introduced by Lindsay, 9; Day, 19.

A BILL FOR AN ACT relating to convicted offenders; to amend sections 28-416, 83-178, 83-179, and 83-1,135, Revised Statutes Supplement, 1993; to change provisions relating to evaluation of persons committed to the Department of Correctional Services; to change provisions relating to eligibility for parole; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1327. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to probation administration; to amend sections 29-2246, 29-2251, 29-2253, 29-2258, and 29-2261, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2252, 29-2259, 29-2262.03, and 29-2269, Revised Statutes Supplement, 1992; to transfer the Office of Probation Administration from the Supreme Court

to the Department of Correctional Services; to define terms; to provide powers and duties for the Director of Correctional Services; to eliminate powers of the Supreme Court and other courts as prescribed; to change powers of the probation administrator; to harmonize provisions; and to repeal the original sections, and also sections 29-2249, 29-2249.04, and 29-2250, Reissue Revised Statutes of Nebraska, 1943, and section 29-2262.05, Revised Statutes Supplement, 1992.

LEGISLATIVE BILL 1328. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to community corrections; to amend sections 47-603 to 47-606, 47-609 to 47-611, 47-613, 47-614, 47-616, and 47-617, Revised Statutes Supplement, 1993; to redefine a term; to restate intent; to change provisions relating to certain powers and duties of the Attorney General, the sentencing court, nongovernmental agencies, the expenditure of funds, and administrators of community correctional facilities; to eliminate provisions relating to offender eligibility transfer orders, reductions in sentences, and the establishment and approval of community correctional facilities; to harmonize provisions; and to repeal the original sections, and also section 47-612, Revised Statutes Supplement, 1993.

LEGISLATIVE BILL 1329. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-105, Reissue Revised Statutes of Nebraska, 1943; to change a penalty; and to repeal the original section.

LEGISLATIVE BILL 1330. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 29-2204 and 83-4,140, Revised Statutes Supplement, 1993; to eliminate provisions relating to regimented inmate discipline unit age restrictions and certain recommendations by the Department of Correctional Services; and to repeal the original sections.

LEGISLATIVE BILL 1331. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to sentencing; to amend section 28-106, Revised Statutes Supplement, 1992; to change provisions relating to service of misdemeanor sentences; and to repeal the original section.

LEGISLATIVE BILL 1332. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to juvenile justice; to amend sections 43-247 and 43-254, Reissue Revised Statutes of Nebraska, 1943, and sections 43-289 and 43-2,129, Revised Statutes Supplement, 1992; to

change provisions relating to the jurisdictional age of individuals under the Nebraska Juvenile Code; to provide for placement in a secure juvenile confinement facility and construction of such facility; to provide duties for the Department of Correctional Services; to provide for commitment to age twenty-six for certain juveniles in a secure juvenile confinement facility or adult correctional facility as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1333. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to the Legislature; to require the development and implementation of a justice system impact statement.

LEGISLATIVE BILL 1334. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to representation of indigent persons; to amend sections 7-113, 23-904, 23-3401, 23-3402, 23-3404 to 23-3408, 28-387, 29-738, 29-901.03, 29-1411, 29-1412, 29-1920, 29-2315.02, 29-2318, 33-106, 43-111.01, 43-272, 43-1412, 43-1505, 83-1008, and 83-1049 to 83-1052, Reissue Revised Statutes of Nebraska, 1943, sections 29-901, 29-3902 to 29-3912, 29-3914 to 29-3916, 29-3918, 33-106.02, 33-123, 33-126.02, 42-358, 43-105, 43-279.01, 43-1612, 71-6903, and 71-6904, Revised Statutes Supplement, 1992, and sections 29-3004, 29-3901, 30-2619, 30-2625, 30-2626, 30-2630.01, 30-2634, 30-2636, 33-106.04, 42-364, 43-163, and 43-1406, Revised Statutes Supplement, 1993; to define terms; to state intent; to provide for representation of indigent persons; to provide for the determination of indigency; to create a commission and funds; to provide powers and duties; to prohibit certain acts by county attorneys; to change provisions relating to public defenders; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1335. Introduced by Jones, 43.

A BILL FOR AN ACT relating to livestock; to amend section 54-744, Revised Statutes Supplement, 1993; to authorize the composting of swine carcasses; and to repeal the original section.

LEGISLATIVE BILL 1336. Introduced by Jones, 43; Dierks, 40; Schmitt, 41.

A BILL FOR AN ACT relating to schools; to amend sections 79-101.01, 79-438.12, 79-1303, and 79-3806, Revised Statutes Supplement, 1993; to eliminate provisions for a common levy for Class VI school systems; to harmonize provisions; and to repeal the original sections, and also section 79-438.13, Revised Statutes Supplement, 1993.

LEGISLATIVE BILL 1337. Introduced by Hillman, 48; Abboud, 12; Ashford, 6; Avery, 3; Beutler, 28; Bohlke, 33; Bromm, 23; Byars, 30; Day, 19; Dierks, 40; Elmer, 38; Engel, 17; Haberman, 44; Hall, 7; Hartnett, 45; Hudkins, 21; Janssen, 15; Jones, 43; Landis, 46; Lindsay, 9; Lynch, 13; Matzke, 47; McKenzie, 34; Monen, 4; Pedersen, 39; Pirsch, 10; Preister, 5; Rasmussen, 20; Robak, 22; Schimek, 27; Vrtiska, 1; Wehrbein, 2; Wesely, 26; Wickersham, 49; Will, 8; Witek, 31; Withem, 14.

A BILL FOR AN ACT relating to employment security; to amend sections 48-601, 48-649, 48-650, 48-651, 48-655.02, 48-659, 48-660, and 48-660.01, Reissue Revised Statutes of Nebraska, 1943, sections 48-648 and 48-656, Revised Statutes Supplement, 1992, and sections 48-602, 48-604, 48-652, 48-655, 48-657, and 48-658, Revised Statutes Supplement, 1993; to define and redefine terms; to provide for assessment, calculation, and collection of a state unemployment insurance tax; to create funds and a board; to provide funding for job training programs; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1338. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Day, 19; Fisher, 35; Lynch, 13; Moore, 24; Robak, 22.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2307 and 84-1308, Revised Statutes Supplement, 1992, and section 23-2308, Revised Statutes Supplement, 1993; to increase retirement system contribution rates for counties and for state and county employees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1339. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Day, 19; Fisher, 35; Lynch, 13; Moore, 24; Robak, 22.

A BILL FOR AN ACT relating to retirement; to amend section 79-1508, Reissue Revised Statutes of Nebraska, 1943, sections 24-703, 79-1512, 79-1528, 79-1531, 79-1540, 79-1545.02, 79-1546, 79-1566, and 81-2017, Revised Statutes Supplement, 1992, and sections 79-1522.01 and 79-1545, Revised Statutes Supplement, 1993; to change provisions relating to the actuarial valuation of the funds of the judges, state patrol, and school employees retirement plans; to eliminate provisions relating to certain school employee accounts and a fund; to harmonize provisions; to repeal the original sections, and also sections 79-1545.01, 79-1548, and 79-1550, Revised Statutes Supplement, 1992, and section 79-1549, Revised Statutes Supplement, 1993.

LEGISLATIVE BILL 1340. Introduced by Withem, 14.

A BILL FOR AN ACT relating to schools and school districts; to provide requirements for certain contracts as prescribed.

LEGISLATIVE BILL 1341. Introduced by Will, 8; Byars, 30; Coordsen, 32.

A BILL FOR AN ACT relating to insurance; to amend sections 44-4101, 44-4111, and 44-4113, Reissue Revised Statutes of Nebraska, 1943; to state intent; to change provisions relating to preferred provider health insurance contracts; to provide for applicability of changes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1342. Introduced by Ashford, 6; Hall, 7; Monen, 4; Pedersen, 39; Rasmussen, 20; Will, 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 43-801, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1992; to prohibit criminal intimidation; to provide a penalty; to authorize a civil action for violations of such offenses; to require the Nebraska State Patrol to maintain information on crimes motivated by bigotry or bias; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1343. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to judgments of conviction; to amend section 25-403.01, Reissue Revised Statutes of Nebraska, 1943; to provide venue for actions challenging prior convictions; to provide procedures for such challenges; and to repeal the original section.

LEGISLATIVE BILL 1344. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to jails; to amend section 47-502, Revised Statutes Supplement, 1993; to change good time reductions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1345. Introduced by Lindsay, 9; Bromm, 23.

A BILL FOR AN ACT relating to persons in need of protection; to amend sections 25-2730, 30-2220, 30-2619, 30-2620, 30-2620.01, 30-2625 to 30-2628, 30-2630, 30-2633, 30-2634, 30-2636, 30-2637, 30-2639, and 30-2643, Revised Statutes Supplement, 1993; to change provisions relating to appointment, powers, and duties of guardians and conservators and notice and procedures for guardianship and conservatorship proceedings; to eliminate certain bond requirements, duties of the State Court Administrator, provisions for appointment of an attorney, a temporary guardian, and a temporary conservator, and provisions for an expedited hearing; to harmonize provisions; and to

repeal the original sections, and also sections 30-2601.01 and 30-2630.01, Revised Statutes Supplement, 1993.

LEGISLATIVE BILL 1346. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to child support collection; to require the inclusion of provisions for notification of custodial persons in contracts as prescribed.

LEGISLATIVE BILL 1347. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to child support; to provide for direct contact between a custodial party and an attorney contracting to collect child support as prescribed.

LEGISLATIVE BILL 1348. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to child support collection; to require a contracting party to petition for contempt as prescribed.

LEGISLATIVE BILL 1349. Introduced by Avery, 3; Fisher, 35; Schellpeper, 18; Wehrbein, 2.

A BILL FOR AN ACT relating to the environment; to create the Hazardous Waste Remedial Action Plan Monitoring Fund; to provide powers and duties for the Environmental Quality Council and the Department of Environmental Quality; and to authorize the department to monitor the hazardous waste remedial action plans of public and private entities.

LEGISLATIVE BILL 1350. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-304 and 28-305, Reissue Revised Statutes of Nebraska, 1943; to change the definitions of murder in the second degree and manslaughter; to change a penalty; and to repeal the original sections.

LEGISLATIVE BILL 1351. Introduced by Abboud, 12; Ashford, 6; Avery, 3; Beutler, 28; Bohlke, 33; Bromm, 23; Byars, 30; Coordsen, 32; Crosby, 29; Cudaback, 36; Day, 19; Dierks, 40; Elmer, 38; Fisher, 35; Haberman, 44; Hartnett, 45; Hudkins, 21; Janssen, 15; Jones, 43; Lynch, 13; Matzke, 47; McKenzie, 34; Monen, 4; Pirsch, 10; Preister, 5; Rasmussen, 20; Robak, 22; Robinson, 16; Schellpeper, 18; Schmitt, 41; Vrtiska, 1; Wehrbein, 2; Wesely, 26; Will, 8; Witek, 31.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-105, 28-201, 28-1205, 28-1206, 29-2525, 29-2528, 29-3001, 43-247, 43-279, 43-2,104, 43-2,105, 81-2004, and 83-1,116, Reissue Revised Statutes of Nebraska, 1943, sections 25-1912, 28-101,

28-1212.01, 28-1212.02, 83-1,107, 83-1,110, 83-1,122, and 83-1,123, Revised Statutes Supplement, 1992, and sections 28-416, 29-2204, 29-2221, 29-2262, 29-3002, 47-616, 83-470, 83-472, 83-473.01, and 83-4,114.01, Revised Statutes Supplement, 1993; to designate the Nebraska Crime Control Act of 1994; to change and provide classifications for felonies; to change and provide penalties for certain felonies; to change provisions relating to probation, habitual criminals, sentencing, appeals in capital punishment cases, postconviction relief, dates for executions, good time, and eligibility for and conditions and revocation of parole; to eliminate provisions relating to reduction of sentences and to fingerprinting; to change and eliminate provisions relating to juvenile courts, records of adjudications, and youth development centers; to provide for special investigators in the Nebraska State Patrol as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections, and also sections 29-2308.01, 43-252, and 83-465, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1352. Introduced by Will, 8.

A BILL FOR AN ACT relating to the Asbestos Control Act; to amend section 71-6314, Reissue Revised Statutes of Nebraska, 1943, section 71-6303, Revised Statutes Supplement, 1992, and section 71-6301, Revised Statutes Supplement, 1993; to define and redefine terms; to change provisions relating to rules and regulations, project review fees, inspections, and notification of asbestos projects; to provide a civil penalty; to limit action which may be taken by the Department of Health when a violation is remedied; to change provisions relating to actions taken by the department for violations of the act; and to repeal the original sections.

LEGISLATIVE BILL 1353. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 38; Haberman, 44; Hartnett, 45; Hudkins, 21; Robinson, 16; Will, 8.

A BILL FOR AN ACT relating to gambling; to establish the Gaming Study Commission; to provide duties for the Department of Revenue and the State Racing Commission; to provide a termination date; and to declare an emergency.

LEGISLATIVE BILL 1354. Introduced by Schellpeper, 18; Haberman, 44; Hartnett, 45; Will, 8.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1208.04, Reissue Revised Statutes of Nebraska, 1943, and section 2-1207, Revised Statutes Supplement, 1993; to change provisions relating to withholding of receipts from exotic wagering; to change provisions relating to disbursements from the Track Distribution Fund;

to provide a termination date and operative dates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1355. Introduced by Schellpeper, 18; Haberman, 44.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1227 to 2-1229, Revised Statutes Supplement, 1993; to change provisions relating to simulcast and interstate simulcast licenses; and to repeal the original sections.

LEGISLATIVE BILL 1356. Introduced by Warner, 25.

A BILL FOR AN ACT relating to lottery funds; to amend sections 9-812 and 81-179, Revised Statutes Supplement, 1993; to change the transfer of lottery funds; to provide additional funding to the Building Renewal Allocation Fund; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1357. Introduced by Lindsay, 9; Hall, 7.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2204 and 83-1,135, Revised Statutes Supplement, 1993; to change and provide provisions relating to indeterminate sentences; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1358. Introduced by Preister, 5; Bohlke, 33; Hartnett, 45; Janssen, 15; Schmitt, 41.

A BILL FOR AN ACT relating to public power; to amend section 70-1001, Reissue Revised Statutes of Nebraska, 1943; to provide a declaration of public policy relating to renewable energy sources; to eliminate a provision relating to public power facilities and the use of radioactive material; to repeal the original section, and also section 70-627.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1359. Introduced by Preister, 5; Abboud, 12; Ashford, 6; Avery, 3; Beutler, 28; Bohlke, 33; Bromm, 23; Day, 19; Hartnett, 45; Hillman, 48; Hudkins, 21; Lindsay, 9; Matzke, 47; Monen, 4; Pedersen, 39; Pirsch, 10; Rasmussen, 20.

A BILL FOR AN ACT relating to the Legislature; to state intent; to require computer access to legislative information; to provide for an electronic mail system; and to provide for use of the information or system.

LEGISLATIVE BILL 1360. Introduced by Preister, 5; Bromm, 23; Hartnett, 45.

A BILL FOR AN ACT relating to wind energy; to state findings; to establish the Renewable Energy Commission; to provide powers and duties for the commission and the State Energy Office; to provide for funding; to create a fund; to provide a termination date; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 1361. Introduced by Fisher, 35.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 16-679, 17-528.02, 75-109, 75-501, 75-502, and 75-503, Reissue Revised Statutes of Nebraska, 1943, sections 18-401 and 84-140.01, Revised Statutes Supplement, 1992, and section 59-1617, Revised Statutes Supplement, 1993; to eliminate provisions relating to the Municipal Natural Gas Regulation Act; to provide for the regulation of natural gas rates by the Public Service Commission; to define terms; to provide powers and duties for the Public Service Commission; to harmonize provisions; and to repeal the original sections, and also sections 19-4603, 19-4603.01, 19-4605 to 19-4611, 19-4613 to 19-4616, 19-4619, 19-4620, 19-4622, and 19-4623, Reissue Revised Statutes of Nebraska, 1943, and sections 19-4601, 19-4602, 19-4604, 19-4612, 19-4617 to 19-4618.04, and 19-4621, Revised Statutes Supplement, 1993.

RESOLUTIONS

LEGISLATIVE RESOLUTION 301CA. Introduced by Pirsch, 10.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article IV, section 13:

IV-13 "The Legislature shall provide by law for the establishment of a Board of Parole and the qualifications of its members. ~~Said board, or a majority thereof,~~ Such board or proportion thereof as may be prescribed by the Legislature, but in no case less than a majority of such board, shall have power to grant paroles after conviction and judgment, under such conditions as may be prescribed by law, for any offenses committed against the criminal laws of this state except treason and cases of impeachment. The Governor, Attorney General, and Secretary of State, sitting as a board, shall have power to remit fines and forfeitures and to grant respites, reprieves, pardons, or commutations in all cases of conviction for offenses against the laws of the state~~,~~ except treason and cases of impeachment. The Board of Parole may advise the Governor, Attorney General, and Secretary of State on the merits of any application for remission, respite, reprieve,

pardon, or commutation but such advice shall not be binding on them. The Governor shall have power to suspend the execution of the sentence imposed for treason until the case can be reported to the Legislature at its next session, when the Legislature shall either grant a pardon, ~~or~~ commute the sentence, ~~or~~ direct the execution of the sentence, or grant a further reprieve.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to delete a reference that a majority of the Board of Parole has the power to grant paroles.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 302CA. Introduced by Hall, 7.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article III, section 24:

III-24 "(1) ~~Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.~~ The Legislature may authorize and regulate gaming in Nebraska. Gaming shall include sports betting, excursion boat gambling, any game played with cards, dice, equipment, or any mechanical, electromechanical, or electronic device or machine for money, property, checks, credit, or any thing of value, and any other game or device approved by a commission established by the Legislature to regulate gaming, but gaming shall not include games played with cards in private homes or residences in which no person makes money for operating the game, except as a player, or games operated by charitable or educational organizations which are approved by such commission.

The proceeds of gaming authorized by the Legislature shall be appropriated by the Legislature for purposes as directed by the Legislature.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or

community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for other purposes as directed by the Legislature. No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize the Legislature to authorize and regulate gaming.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 303CA. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Elmer, 38; Haberman, 44; Hartnett, 45; Robinson, 16; Will, 8.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article III, section 24:

III-24 "(1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions

or the proceeds of which are to be used solely for charitable or community betterment purposes or for the promotion of agriculture without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for other purposes as directed by the Legislature. No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure, (b) the enactment of laws providing for the licensing and regulation of a lottery or lotteries conducted by licensees for the promotion of agriculture, or ~~(b)~~ (c) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

(5) Any new form of lottery or lotteries which may be authorized and regulated by the Legislature shall be made available on an equitable basis to all entities which are authorized to conduct a lottery or lotteries for charitable or community betterment purposes or for the promotion of agriculture.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to allow licensed racetracks to conduct a lottery or lotteries as approved by the Legislature and to allow the Legislature to authorize and regulate new forms of lottery or lotteries for charitable or community betterment purposes or for the promotion of agriculture.

For

Against".

Referred to the Reference Committee.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Fisher asked unanimous consent to have his name added as cointroducer to LB 971. No objections. So ordered.

Mrs. Bohlke asked unanimous consent to have her name added as cointroducer to LB 1250. No objections. So ordered.

Mr. Avery asked unanimous consent to have his name added as cointroducer to LB 922. No objections. So ordered.

VISITORS

Visitors to the Chamber were Paul Cohan and Micael H. McCabe from the Midwestern Office of the Council of State Governments; 14 Credit Union Association members from Omaha; 25 fourth grade students and sponsor from Emmanuel Lutheran, York; Ted Bohlen and Jeff Kelley from Alliance; nine students and sponsor from Villa Marie, Waverly; Marion McGee and Dave Zooha from Lexington; and Bud Kleewein and Gary Herbst from North Platte.

The Doctor of the Day was Jonathan Stelling from Auburn.

MOTION - Adjournment

Mrs. Crosby moved to adjourn.

Mr. Beutler requested a record vote on the motion to adjourn.

Voting in the affirmative, 6:

Abboud	Bernard-Stevens	Beutler	Crosby	Lindsay
				Warner

Voting in the negative, 0.

Present and not voting, 37:

Ashford	Day	Janssen	Moore	Vrtiska
Avery	Dierks	Jones	Pedersen	Wehrbein
Bohlke	Elmer	Kristensen	Preister	Wesely
Bromm	Fisher	Landis	Robinson	Wickersham
Byars	Haberman	Matzke	Schellpeper	Will
Chambers	Hall	McKenzie	Schimek	Witek
Coordsen	Hartnett	Monen	Schmitt	Withem
Cudaback	Hudkins			

Excused and not voting, 6:

Engel	Lynch	Pirsch	Rasmussen	Robak
Hillman				

The motion to adjourn prevailed with 6 ayes, 0 nays, 37 present and not voting, and 6 excused and not voting, and at 12:10 p.m., the Legislature adjourned until 9:00 a.m., Friday, January 21, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

ELEVENTH DAY - JANUARY 21, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 21, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Howard Hart, St. John's Reformed Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, Rasmussen, Messrs. Wesely, and Withem who were were excused; and Messrs. Abboud, Bernard-Stevens, Beutler, Bromm, Chambers, Coordsen, Kristensen, Lindsay, Robinson, Warner, Will, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the tenth day was approved.

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 607. Indefinitely postponed.

(Signed) Wm. R. Wickersham, Chairperson

Agriculture

LEGISLATIVE BILL 560. Indefinitely postponed.

(Signed) Merton L. Dierks, Chairperson

Transportation

LEGISLATIVE BILL 354. Placed on General File as amended.
Standing Committee amendment to LB 354:
AM2783

1. Strike original section 1 and insert the following new section:

"Section 1. (1) Any resident of this state who is an active or retired member of the Nebraska National Guard may, in addition to the application required in section 60-302, apply to the Department of Motor Vehicles for a set of license plates and decals designed by the department in consultation with the Adjutant General to indicate that the applicant is an active or retired member of the Nebraska National Guard.

(2) The license plates and decals shall be issued upon the payment of the regular license fee and an additional fee of fifteen dollars and furnishing proof of being an active or retired member of the Nebraska National Guard as prescribed by the Adjutant General. Only one motor vehicle owned by the applicant shall be so licensed at any one time.

(3) If the license plates and decals issued under this section are lost, stolen, or mutilated, the applicant shall be issued replacement plates and decals as provided in section 60-324.".

2. On page 2, line 17, strike "1994" and insert "1995".

(Signed) Doug Kristensen, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1160 through 1229 and legislative resolution 300CA.

LB	Committee
1160	Revenue
1161	Education
1162	Banking, Commerce and Insurance
1163	Education
1164	Business and Labor
1165	Agriculture
1166	Education
1167	General Affairs
1168	Appropriations
1169	Judiciary
1170	Natural Resources
1171	Government, Military and Veterans Affairs

1172 Business and Labor
1173 Judiciary
1174 Revenue
1175 Revenue
1176 Banking, Commerce and Insurance
1177 Health and Human Services
1178 Health and Human Services
1179 Health and Human Services
1180 Health and Human Services
1181 Education
1182 Judiciary
1183 Banking, Commerce and Insurance
1184 Education
1185 Judiciary
1186 Natural Resources
1187 Natural Resources
1188 Urban Affairs
1189 Transportation
1190 Revenue
1191 Appropriations
1192 Appropriations
1193 Appropriations
1194 Appropriations
1195 Appropriations
1196 Appropriations
1197 Appropriations
1198 Appropriations
1199 Appropriations
1200 Health and Human Services
1201 Government, Military and Veterans Affairs
1202 Transportation
1203 Government, Military and Veterans Affairs
1204 Natural Resources
1205 Transportation
1206 Education
1207 Natural Resources
1208 Appropriations
1209 Business and Labor
1210 Health and Human Services
1211 Appropriations
1212 Health and Human Services
1213 Health and Human Services
1214 Judiciary
1215 Government, Military and Veterans Affairs
1216 Appropriations
1217 Education
1218 Transportation
1219 Natural Resources
1220 Judiciary

1221 Urban Affairs
1222 Banking, Commerce and Insurance
1223 Health and Human Services
1224 Health and Human Services
1225 Judiciary
1226 Government, Military and Veterans Affairs
1227 Revenue
1228 Education
1229 Revenue

LR	Committee
300CA	Judiciary

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

NATURAL RESOURCES DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1993 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Nemaha Natural Resources District	
Steven Seglin	7,165.10

REPORT

Received actuarial valuations from the Nebraska Public Employees Retirement Systems for the Nebraska School Retirement System, Nebraska State Patrolmen's Retirement System, and the Nebraska Judges' Retirement System.

GENERAL FILE

LEGISLATIVE BILL 416. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 1019. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 6 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 1027. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 4 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 934. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 987. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 608. Title read. Considered.

Standing Committee amendment, AM0576, found in the Journal on page 807, First Session, 1993, was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 608A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 211. Title read. Considered.

Standing Committee amendment, AM0529, found in the Journal on page 783, First Session, 1993, was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Mr. Bernard-Stevens renewed his pending amendment, AM2732, found in the Journal on page 332.

The Bernard-Stevens amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 211A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 436. Title read. Considered.

Standing Committee amendment, AM0548, found in the Journal on page 787, First Session, 1993, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Chambers moved to bracket LB 436.

Mr. Chambers withdrew his motion to bracket.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 398. Title read. Considered.

Standing Committee amendment, AM0613, found in the Journal on page 836, First Session, 1993, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 611. Title read. Considered.

Standing Committee amendment, AM0634, found in the Journal on page 855, First Session, 1993, was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 451. Title read. Considered.

Standing Committee amendment, AM0596, found in the Journal on page 875, First Session, 1993, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 730. Title read. Considered.

Standing Committee amendment, AM0738, found in the Journal on page 980, First Session, 1993, was considered.

Mr. Will moved to bracket LB 730 until January 24, 1994.

The Will motion to bracket prevailed with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 241. Title read. Considered.

Standing Committee amendment, AM0647, found in the Journal on page 1006, First Session, 1993, was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 358. Title read. Considered.

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

Standing Committee amendment, AM0883, found in the Journal on page 1006, First Session, 1993, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

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

LEGISLATIVE BILL 424. Title read. Considered.

Standing Committee amendment, AM0657, found in the Journal on page 1051, First Session, 1993, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 630. Title read. Considered.

Standing Committee amendment, AM0963, found in the Journal on page 1141, First Session, 1993, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 819. Title read. Considered.

Standing Committee amendment, AM0993, found in the Journal on page 1190, First Session, 1993, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 872. Placed on General File.
LEGISLATIVE BILL 895. Placed on General File.
LEGISLATIVE BILL 918. Placed on General File.
LEGISLATIVE BILL 964. Placed on General File.

(Signed) Doug Kristensen, Chairperson

Revenue

LEGISLATIVE BILL 938. Placed on General File.

(Signed) Jerome Warner, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 600. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5614.)

LEGISLATIVE BILL 291. Placed on Select File as amended.
E & R amendment to LB 291:
AM5615

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 71-5003, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5003. The director shall (1) provide a comprehensive and integrated statewide plan for mental health services, (2) establish minimum standards for the operation of any facility or program providing services funded in whole or in part under the ~~provisions of sections 71-5001 to 71-5014~~ Nebraska Comprehensive Community Mental Health Services Act, (3) provide such assistance as may be necessary to place a mentally ill person in an appropriate facility or program, (4) encourage research by public and private agencies, institutions of higher learning, and hospitals in the interest of the elimination and amelioration of mental illness and of the care and treatment of mentally ill persons, (5) require budgets to be submitted by each region, which budgets shall detail expected expenditures and projected levels of services and revenue, (6) evaluate submitted budgets to determine the

state's share of funding requirements and the services to be rendered, and (7) adopt and promulgate such rules and regulations as are necessary to carry out the ~~provisions of sections 71-5001 to 71-5014~~ act. In adopting such rules and regulations, the director shall be governed by ~~the provisions of~~ the Administrative Procedure Act. Any standards, rules, and regulations shall be adopted only after consultation with the ~~committee provided for in section 71-5008~~ State Mental Health Planning and Evaluation Council.

The director may enter into agreements with other departments or agencies of the State of Nebraska that provide mental health facilities, programs, or services. Contracts may be made with those organizations designated by the regional boards described ~~herein~~ in the Nebraska Comprehensive Community Mental Health Services Act to assist in the administration or supervision of all mental health services and programs provided for by the ~~provisions of sections 71-5001 to 71-5014~~ act within the region. The director shall provide necessary limitations on payment for inpatient services. Programs or services may be provided if community-based programs are not available and the director determines that such programs or services cannot reasonably be provided locally where such services are necessary.

The director shall take whatever actions as are lawfully required to assure the coordination of the facilities, programs, and services of the various agencies of the State of Nebraska and those in the regions and communities, whether ~~they be~~ public or private, which are supported in whole or in part by state funds provided ~~by the provisions of sections 71-5001 to 71-5014~~ pursuant to the act.

Sec. 2. That section 71-5008, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5008. (1) The State Mental Health ~~Advisory Committee~~ Planning and Evaluation Council is hereby created. The ~~committee~~ council shall:

(a) Identify program needs and offer guidance to the department on program priorities for the state;

(b) Provide objective input, feedback, and comment on state plans proposed by the department;

(c) Act as an advocate for the interests of consumers and their families;

(d) Monitor the implementation of the state plans and provide evaluation of those plans;

(e) Offer to the executive and legislative branches of state government any proposals or recommendations that the council deems appropriate. The council shall report its findings and recommendations to the Governor and the Legislature by October 1 of each year;

(f) Serve as the state's mental health planning

council as required by Public Law 102-321; and

(g) Examine and make recommendations in regard to policies and practices for meaningful consumer participation in the treatment planning process. ~~advise and provide recommendations to the Director of Public Institutions on mental health planning and policy issues to assist the department in its role as the state mental health authority to provide a comprehensive and integrated systemwide plan for mental health services and to provide leadership and coordination for the entire system of mental health service providers. The committee shall provide advice on minimum standards, equitable provision of mental health services, including program priorities, encouragement of research, and other matters requested by the Director of Public Institutions to insure the implementation of section 71-5001.~~

(2) The ~~committee~~ council shall consist of ~~one~~ not more than thirty-four members appointed by the Governor as follows:

(a) One member of ~~each~~ a regional governing board established pursuant to section 71-5004; ~~as appointed by that board~~

(b) Not less than fourteen consumers and family members, with no more than four from any one region. The consumer representatives and the family representatives shall be as nearly as possible equal in number;

(c) One regional program administrator;

(d) Six service providers, with no more than one from each region and no more than two representing any one particular discipline;

(e) One representative from the Division of Vocational Rehabilitation of the State Department of Education;

(f) One representative from the Department of Social Services;

(g) One representative from the Department of Public Institutions;

(h) One representative from the Nebraska Commission on Law Enforcement and Criminal Justice;

(i) One representative from the Housing Office of the Community and Rural Development Division of the Department of Economic Development;

(j) One representative from the State Department of Education other than the member appointed under subdivision (e) of this subsection; and

(k) Other members as appointed by the Governor.

The respective constituencies listed in subdivisions (a) through (d) of this subsection shall submit lists of nominees to the Governor for his or her consideration in making the appointments required by such subdivisions. The

Commissioner of Education, the Director of Social Services, the Director of Public Institutions, the executive director of the commission, and the Director of Economic Development shall submit lists of nominees to the Governor for his or her consideration in making the appointments required by subdivisions (e) through (j), respectively, of this subsection. ~~and one member from each mental health region appointed at large by the Governor to provide balance on the committee with respect to the various interests involved in the prevention and treatment of mental illness.~~

(3) The initial members of the council ~~appointed by the regional governing boards~~ shall ~~serve~~ be appointed for staggered terms of three years, as determined by the Governor. ~~Two of the initial members appointed by the Governor shall serve for three years, two for two years, and two for one year.~~ As the terms of the initial members expire, their successors shall be appointed for terms of three years. The ~~committee~~ council shall elect a chairperson from the members of such ~~committee~~ council.

(4) The ~~committee~~ council shall meet on a quarterly basis. Upon receiving the written approval of the Director of Public Institutions, the chairperson may appoint and utilize a task force of ~~committee~~ council members and nonmembers to report to the ~~committee~~ council on specific areas.

(5) Members of the ~~committee or task force~~ council shall be reimbursed for actual and necessary expenses ~~incurred in carrying out their duties~~ as provided in sections 81-1174 to 81-1177. ~~for state employees.~~

Sec. 3. That original sections 71-5003 and 71-5008, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

LEGISLATIVE BILL 291A. Placed on Select File as amended.
E & R amendment to LB 291A:
AM5617

1. On page 1, line 3; and page 2, line 5, strike "First Session, 1993" and insert "Second Session, 1994".

LEGISLATIVE BILL 337. Placed on Select File as amended.
E & R amendment to LB 337:
AM5616

1. On page 1, line 3, after the semicolon insert "to eliminate provisions relating to certification by the director of a facility".

2. On page 2, line 10, strike the comma and show as stricken.

LEGISLATIVE BILL 513. Placed on Select File as amended.
E & R amendment to LB 513:
AM5618

1. In the Standing Committee amendments, AM0272, on page 1, lines 2 and 3, strike "Department of Public Institutions" and insert "department".

2. On page 4, line 26, reinstate the stricken comma; and in line 27 strike "program".

LEGISLATIVE BILL 513A. Placed on Select File as amended.
E & R amendment to LB 513A:
AM5619

1. On page 1, line 3; and page 2, line 5, strike "FIRST SESSION, 1993" and insert "SECOND SESSION, 1994".

2. On page 2, line 2, strike "FY1993-94" and insert "FY1994-95"; and in line 3 strike "FY1994-95" and insert "FY1995-96".

LEGISLATIVE BILL 488. Placed on Select File as amended.
E & R amendment to LB 488:
AM5620

1. On page 1, lines 1 and 7, strike "section" and insert "sections"; in line 2 after "21-2201" insert "and 21-2219"; in line 6 after the first semicolon insert "to provide for a certificate of authority; to define a term; to provide for consolidation or merger with a foreign professional corporation;".

2. On page 2, line 23, after "as" insert "otherwise".

3. On page 3, line 9, strike the first comma; and in line 19 after "any" insert "other".

(Signed) Janis McKenzie, Chairperson

GENERAL FILE

LEGISLATIVE BILL 681. Title read. Considered.

Standing Committee amendment, AM0984, found in the Journal on page 1196, First Session, 1993, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 132. Title read. Considered.

Standing Committee amendment, AM1060, found in the Journal on page 1213, First Session, 1993, was considered.

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

The Standing Committee amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 338. Title read. Considered.

Mr. Cudaback asked unanimous consent to pass over LB 338. No objections. So ordered.

LEGISLATIVE BILL 188. Title read. Considered.

Standing Committee amendment, AM1205, found in the Journal on page 1315, First Session, 1993, was adopted with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 695. Title read. Considered.

Standing Committee amendment, AM1130, found in the Journal on page 1409, First Session, 1993, was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

MOTION - Return LB 421 to Select File

Mr. Kristensen moved to return LB 421 to Select File for the following specific amendment:
AM2806
1. In the Pirsch amendment, FA318, strike amendment 1.
2. In the Kristensen amendment, AM2626, on page 5, line 19, strike "November 1, 1994" and insert "April 3, 1995".

The Kristensen motion to return prevailed with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 421. The Kristensen specific amendment, AM2806, found in this day's Journal, was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 20, 1994. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Arch, John - Omaha	Nebraskans for HealthCare Equity (Withdrawn 01/14/94)
	Saint Joseph Center for Mental Health (Withdrawn 01/14/94)
Boehm, John - Lincoln	Nebraska Mortgage Association
Butler, Terri Mecham - Lincoln	United Cerebral Palsy of Nebraska
Harding, Mary A. - Firth (Withdrawn 01/18/94)	Distilled Spirits Council of the United States (Withdrawn 01/18/94)
	Nebraska Farmers Union (Withdrawn 01/18/94)
	Nebraska Occupational Therapy Association (Withdrawn 01/18/94)
	Nebraska State Grange (Withdrawn 01/18/94)
	Nebraska Sugar Beet Growers Association (Withdrawn 01/18/94)
	Nebraska Wheat Growers Association (Withdrawn 01/18/94)
Hedman, Gary - Grand Island	Southern Nebraska Rural Public Power District
Kelley, Michael - Omaha	MCI Telecommunications Corporation
	Tobin Eye Institute/Robert F. Tobin
Martin, Dennis R. - Lincoln	Communications Workers of America
Moors, H. Jack - Lincoln	Nebraska Quarter Horse Racing Association (Withdrawn 01/11/94)
	Norwest Bank Nebraska, N.A. (Withdrawn 12/31/93)
Morrison, Marvin D. - Lincoln	Communications Workers of America
Pappas, James E. - Lincoln	Metropolitan Utilities District (Withdrawn 01/04/94)
Radcliffe and Associates Radcliffe, Walter H. - Lincoln	Werner Enterprises, Inc.
Robinson, J. J. - Lincoln	American Consulting Engineers Council of Nebraska (Withdrawn 12/16/93)
	Nebraska Society of Professional Engineers (Withdrawn 12/16/93)

Scarpello, Sam M. - Omaha	Omaha Federation of Labor SEPTEMBERFEST (Withdrawn 01/13/94)
Skavclahl, Josh - Lincoln	ASUN - UNL Student Government
Wallace, David R. - Omaha	Nebraska Council on Alcohol & Drug Education

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 320 in the Journal. No objections. So ordered.

AM2780

1. Insert the following new sections:

"Section 1. That section 23-3594.08, Revised Statutes Supplement, 1993, be amended to read as follows:

23-3594.08. (1) Unless disapproved pursuant to subsection (7) of section 77-4804, if the Director of Social Services makes a certification in accordance with section 23-3594.07, the director shall project the amount of loss of intergovernmental transfers due to the loss of federal financial participation for calendar years 1993 and 1994 and certify such amount to the Tax Commissioner. The Tax Commissioner shall determine and set the rate of tax for calendar years 1993 and 1994 imposed by section 77-4803 in an amount necessary to offset sixty percent of the amount of loss of intergovernmental transfers as certified by the director, but not more than a maximum rate of seven and seventy-two hundredths percent.

(2) Unless disapproved pursuant to subsection (7) of section 77-4804, if at least the following amounts of intergovernmental transfers are not made in the aggregate by the date specified, the Director of Social Services shall certify such failure to the Department of Revenue:

(a) Two million three hundred thousand dollars by ~~January 31, 1994~~ March 7, 1994;

(b) Nine million two hundred thousand dollars by April 30, 1994;

(c) Eleven million eight hundred thousand dollars by July 31, 1994;

(d) Fourteen million four hundred thousand dollars by October 31, 1994;

(e) Seventeen million dollars by January 31, 1995; and

(f) Nineteen million six hundred thousand dollars by April 30, 1995.

If the director so certifies, the director shall determine the deficient amount of intergovernmental transfers and certify such amount to the Tax Commissioner who shall increase the rate of tax for calendar years 1993 and 1994

imposed by section 77-4803 in an amount necessary to offset sixty percent of the deficient amount of intergovernmental transfers in each year, but not more than a maximum rate of seven and seventy-two hundredths percent.

Sec. 2. That original section 23-3594.08, Revised Statutes Supplement, 1993, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

UNANIMOUS CONSENT - Add Cointroducers

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 1167. No objections. So ordered.

Mrs. Hillman asked unanimous consent to have her name added as cointroducer to LB 1263. No objections. So ordered.

VISITORS

Visitors to the Chamber were 25 members from the Order of Purple Heart, Ex POWs, and Vets of Vietnam; and 36 fourth grade students and sponsor from St. Mary's School, Lincoln.

The Doctor of the Day was David Filipi from Omaha.

ADJOURNMENT

At 12:09 p.m., on a motion by Mr. Hartnett, the Legislature adjourned until 9:00 a.m., Monday, January 24, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWELFTH DAY - JANUARY 24, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 24, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Mark Brunott, Evangelical Free Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Avery, Bernard-Stevens, Beutler, Hartnett, Kristensen, Landis, Lindsay, Monen, Pedersen, Schellpeper, Warner, Will, Ms. Day, Mmes. Pirsch, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eleventh day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1230, 1231, 1232, 1234 through 1314, and legislative resolution 301CA.

LB	Committee
1230	Agriculture
1231	Revenue
1232	Health and Human Services
1234	Education
1235	Banking, Commerce and Insurance
1236	Government, Military and Veterans Affairs

1237 Revenue
1238 Nebraska Retirement Systems
1239 Revenue
1240 Natural Resources
1241 Banking, Commerce and Insurance
1242 Revenue
1243 Executive Board
1244 Government, Military and Veterans Affairs
1245 Nebraska Retirement Systems
1246 Revenue
1247 Education
1248 Judiciary
1249 Education
1250 Education
1251 Revenue
1252 Government, Military and Veterans Affairs
1253 Education
1254 Natural Resources
1255 Revenue
1256 Education
1257 Revenue
1258 Education
1259 Transportation
1260 Transportation
1261 Natural Resources
1262 Health and Human Services
1263 Health and Human Services
1264 Health and Human Services
1265 Health and Human Services
1266 Education
1267 Natural Resources
1268 Nebraska Retirement Systems
1269 Education
1270 Natural Resources
1271 Natural Resources
1272 Natural Resources
1273 Government, Military and Veterans Affairs
1274 Agriculture
1275 Revenue
1276 Health and Human Services
1277 Natural Resources
1278 General Affairs
1279 Business and Labor
1280 Revenue
1281 Revenue
1282 Transportation
1283 Revenue
1284 Revenue
1285 Health and Human Services

1286	Banking, Commerce and Insurance
1287	Nebraska Retirement Systems
1288	Natural Resources
1289	Appropriations
1290	Education
1291	Nebraska Retirement Systems
1292	General Affairs
1293	Judiciary
1294	Urban Affairs
1295	Education
1296	Health and Human Services
1297	General Affairs
1298	Judiciary
1299	Judiciary
1300	Natural Resources
1301	Revenue
1302	Judiciary
1303	Health and Human Services
1304	Banking, Commerce and Insurance
1305	Revenue
1306	Nebraska Retirement Systems
1307	Judiciary
1308	Judiciary
1309	Executive Board
1310	Education
1311	Education
1312	Education
1313	General Affairs
1314	Education

LR	**Committee**
301CA	Judiciary

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

ANNOUNCEMENT

Mr. Bernard-Stevens designates LB 988 as his priority bill.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 94005

DATE: January 21, 1994

SUBJECT: Reimbursement of Expenses of Public Service Commissioners for Travel from their Residences to Lincoln, Nebraska

REQUESTED BY: Senator Scott Moore
Nebraska State Legislature

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

You have requested our opinion on several questions relating to the propriety of providing reimbursement to members of the Nebraska Public Service Commission {the "Commission"} for expenses incurred by Commissioners in traveling from their residences to work at the Commission's office in Lincoln, Nebraska. As you note in your request letter, this office previously issued an opinion concluding that expenses incurred by Commissioners in traveling from their residences to Lincoln, Nebraska, were not reimbursable. 1977-78 Rep. Att'y Gen. 443 (Opinion No. 282, dated September 15, 1978). You have asked us to reconsider the conclusion reached in our prior opinion, and indicate that, if necessary, you may introduce legislation allowing reimbursement of such expenses.

Initially, you request a "clarification" of the basis for our prior conclusion that expenses incurred by Commissioners in traveling from their residences to work in Lincoln, Nebraska, were not reimbursable. As stated in our earlier opinion, these expenses

> "simply and straightforwardly {involve} travel to and from work. Generally, it may be stated that no employee of the State of Nebraska is entitled to be reimbursed for the expense of traveling from his residence to the headquarter city of the agency to which he is attached. This, of course, is also true of officers. Generally, employees or officers may choose to live wherever they wish within the State of Nebraska. Having made that choice, the expense of commuting to work will be a personal expense and not a public expense. . . . Public Service Commissioners are fully entitled to reside in Lincoln, Nebraska or in any other area of the state. The fact that they reside in a city different than that from which their duties are to be performed raise{s} no right on their behalf to receive reimbursement for travel to and from those locations.

1977-78 Rep. Att'y Gen. at 445.

"The right of an officer to compensation for expenses incurred by him in the performance of an official duty must be found in a provision of the constitution or a statute conferring it either directly or by necessary implication,. . . ." 67 C.J.S. Officers § 225 (1978). A public officer is not entitled to reimbursement for expenses incurred in traveling from his or her residence to his or her "workplace and returning unless such a subsidy has been specifically authorized by the legislature." Kemp v. Boyd, 166 W. Va. 471, 483, 275 S.E.2d 297, 306 (1981). Accord State ex rel. Carman v. Sims, 145 W. Va. 245,

115 S.E.2d 140 (1960) Thompson v. Frohmiller, 56 Ariz. 313, 107 P.2d 375 (1940).

Neb. Rev. Stat. § 75-104 (1990) provides that Commissioners "shall be entitled to receive from the state their actual necessary traveling expenses, which shall include the cost of transportation while traveling on the business of the commission,. . . ." (emphasis added). As stated in our prior opinion, travel by a Commissioner from his or her residence to Lincoln "does not involve business of the commission but {a} private choice{ } made by commissioners." 1977-78 Rep. Att'y Gen. at 445. See Kemp v. Boyd, 166 W. Va. at 484, 275 S.E.2d at 306 (holding mileage allowance provisions authorizing county officials to receive expense reimbursement when "required to drive their personally owned vehicles in the actual performance and discharge of their official duties" was intended to authorize reimbursement only where official was required to drive his or her own vehicle to some location other than his or her ordinary place of official employment). "Any job will require some sort of transportation expense from the residence of the individual to the location where the job is to be performed. Generally, that may be characterized as a private expense and not one that is job related." 1977-78 Rep. Att'y Gen. at 445.

Thus, reimbursement for expenses incurred by a public official in traveling from his or her residence to his or her place of work and returning may not be made absent specific constitutional or statutory authorization for the payment of such expenses from public funds. Section 75-104 does not specifically provide for the payment of expenses incurred by Commissioners for travel to and from their residences to their place of work in Lincoln, Nebraska. The cost of travel to and from work is a personal expense, and does not constitute "transportation while traveling on the business of the commission" within the intent and meaning of § 75-104.[1]

Your second question is whether the conclusion reached in our prior opinion should be altered because of a recently adopted amendment to Neb. Rev. Stat. § 32-303 (Cum. Supp. 1992). In 1992, § 32-303 was amended to include a provision requiring that "{a}ll candidates {for the Public Service Commission} shall be residents of the district from which they seek election." 1992 Neb. Laws LB 424, § 4.

In our view, the 1992 amendment to § 32-303, requiring that candidates for election to the Commission be residents of the district they seek to represent, has no impact on the conclusion reached in our previous opinion. Section 32-303 continues to provide, as it did at the time of the issuance of our earlier opinion, that "{a}ll members {of the Commission} shall be residents of the district from which they are elected." As we noted in this opinion, the term "residence", as used in § 32-303, should be construed as being "synonymous with domicile." 1977-78 Rep. Att'y Gen. at 443-44.

> Domicile is generally defined as being a legal relationship the individual has with a particular locality either because his home is there or it is because it is assigned to him by law. Every person has a domicile, although persons may have multiple residences or no

> residence. . . . {A}lthough a commissioner is required to maintain a residence in the district from which he is elected this requirement does not entail actual physical presence in that district. It is sufficient if the commissioner's domicile remains in the district from which he is elected and the commissioner does not intend to alter or change his legal domicile even though he may physically reside in some other area.

Id. at 444.

Thus, the amendment to § 32-303 requiring that candidates for election to the Commission "be residents of the district from which they seek election" does not alter the conclusion reached in our prior opinion that expenses incurred by members of the Commission for travel between their residences and their workplace in Lincoln, Nebraska, are not subject to reimbursement. First, as noted previously, there is no constitutional or statutory provision authorizing reimbursement for personal expenses of this nature. Second, the requirement that candidates for Commissioner be residents of the district from which they seek election, as well as the provision requiring members of the Commission to be residents of the district from which they are elected, requires only that candidates or elected members have or maintain their domicile in the district. While candidates or members must maintain their domicile or residence in the district from which they seek to be elected or are elected to represent, these requirements do not preclude Commissioners from physically residing at any location in the state. The 1992 amendment to § 32-303 provides no basis for us to alter our previous conclusion.

Your next question is whether Neb. Rev. Stat. § 75-104 (1990), which provides Commissioners are "entitled to receive from the state their actual necessary traveling expenses, which shall include the cost of transportation while traveling on the business of the commission,. . .", could be interpreted to authorize reimbursement for expenses incurred by Commissioners in traveling from their residences to Lincoln, Nebraska. As we explained in response to your first question, § 75-104 provides only for reimbursement of travel expenses incurred by Commissioners while "on the business of the commission. . . ." Travel by Commissioners from their residences to work is not travel "on the business of the commission". Rather, transportation costs incurred by a Commissioner in going from his or her residence to his or her workplace is, under the general rule, a personal expense, and not an expense incurred in connection with a Commissioner's official duties. Accordingly, expenses incurred by a Commissioner in traveling to and from work are not public expenses subject to reimbursement within the intent and meaning of § 75-104.

Finally, if § 75-104 does not currently authorize Commissioners to claim and receive reimbursement for expenses incurred in traveling to and returning from their place of work in Lincoln, Nebraska, you ask if the statute may be amended to specifically permit such reimbursement. As stated previously, expenses incurred by public officials in traveling from their residence to their workplace and returning are not subject to

reimbursement from public funds absent a constitutional or statutory provision clearly authorizing payment of such expenses. While reimbursement for expenses of this nature incurred by Commissioners is, in our opinion, presently not authorized, we do not believe that the Legislature is necessarily precluded from adopting statutory language clearly permitting the reimbursement of such expenses.

[1] In State ex rel. Douglas v. Beermann, 216 Neb. 849, 347 N.W.2d 297 (1984), the Nebraska Supreme Court "declared Neb. Rev. Stat. §§ 50-201 and 50-202 (Cum. Supp. 1982) constitutional under article III, § 7, of the Nebraska Constitution, and held that legislators may receive reimbursement for expenses incurred in connection with the performance of their duties in addition to their salary and actual expenses in traveling by the most usual route once to and returning from each regular or special session." Jaksha v. Thomas, 243 Neb. 794, 798, 502 N.W.2d 826, 830 (1993). The Court has interpreted the "expenses" of legislators subject to reimbursement under article III, § 7, to "include transportation, meals, and lodging while traveling." State ex rel. Douglas v. Beermann, 216 Neb. at 856, 347 N.W.2d at 302. In Jaksha v. Thomas, the Court stated that the decision in Beermann demonstrated it is "constitutionally permissible for legislators to receive reimbursement for all expenses incurred in connection with the performance of their duties, including mileage for round trips made from the legislator's residence to the state capitol." 243 Neb. at 800, 502 N.W.2d at 830 (emphasis added). Thus, members of the Legislature are entitled to receive reimbursement for expenses incurred in traveling from their residences to the state capitol based on the provisions of article III, § 7, of the Nebraska Constitution, and §§ 50-201 and 50-202, as interpreted by the Nebraska Supreme Court. No similar constitutional or statutory authorization exists to allow reimbursement of expenses of Commissioners incurred in traveling from their residences to and from their workplace in Lincoln, Nebraska.

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

cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 94006

DATE: January 21, 1994

SUBJECT: Consent and Relinquishment Provisions Pursuant to Adoption for Children Born Out of Wedlock.

Neb. Rev. Stat. §§ 43-104 through 43-104.06 (1988)

REQUESTED BY: Senator Don Wesely
Senator John C. Lindsay
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Royce N. Harper,
Senior Assistant Attorney General

QUESTION: Is the relinquishment or consent provision of Neb. Rev. Stat. § 43-104.02 sufficient to prevent a situation such as the "Baby Jessica" case in Iowa?

ANSWER: Yes. The current statutes found at Neb. Rev. Stat. §§ 43-104 through 43-104.06 (1988) which impose a five day limitation for alleged fathers of children born out of wedlock to file a notice of intent to claim paternity should be sufficient, given the United States and Nebraska Supreme Court decisions, to avoid a problem such as the "Baby Jessica" case.

The case of In the Interest of B.G.C., 496 N.W.2d 239 (1992), otherwise known as the "Baby Jessica" case, involved an unusual set of facts. The mother of the child born out of wedlock named someone else as the father of her child. These two signed the proper release forms and placed the child up for adoption. (The mother instituted an action to rescind the release because it did not comply with a seventy-two hour waiting period. This case was remanded to the trial court to enter an order in favor of the mother.) After the release was signed, the mother informed the real biological father that he was in fact the father. He intervened in the adoption proceedings and successfully asserted paternity. The trial court found that the biological father's parental rights had not been properly terminated as per the statutory provisions. Therefore, the adoption was not valid, and the battle for jurisdiction between Michigan and Iowa began. It is due to this jurisdictional battle and retention of the child by the potential adoptive parents that created the emotional separation which the national media publicized so highly. Although such a scene tears at the heartstrings, the result was dictated by statute. However, it is the opinion of this office that the statute relied upon in Iowa is distinct from the consent provisions in Neb. Rev. Stat. §§ 43-104 through 43-104.06, and the situation encountered there can be avoided by applying related precedent set by the United States and Nebraska Supreme Courts.

It must be pointed out that the exact fact scenario of the "Baby Jessica" case has not been adjudicated by the United States or Nebraska Supreme Courts. Therefore, this opinion has limited precedential value.

United States Supreme Court Decisions

The rights of biological fathers in regard to children born out of wedlock are defined by the leading cases of Stanley v. Illinois, 405 U.S. 645 (1972) Quilloin v. Walcott, 434 U.S. 246 (1978); Caban v. Mohammed, 441 U.S. 380 (1979); and Lehr v. Robertson, 463 U.S. 248 (1983). This line of cases has put forth the accepted notion that parental rights and responsibilities are intertwined. Through these cases, the Court has almost entirely subordinated the interests of putative fathers to those of mothers and legally recognized fathers. "{T}he mere existence of a biological link does not merit equivalent constitutional protection." Lehr at 267-268. The existence of a biological link only "offers the natural father an opportunity that no other male possesses to develop a relationship with his offspring." Id. at 262. Thus, the state need only provide adequate protection for a biological father to form a relationship with his child. In Lehr, this was accomplished with a statute that created a putative fathers registry in which potential fathers had to take affirmative action and responsibility by signing up with the putative father registry in order to receive notice of any adoption proceedings. This registry is similar to what is created by Neb. Rev. Stat. § 43-104.02 (1988) and should withstand a court challenge when a biological father has taken no steps to accept responsibility whether it is during the pregnancy or after the child is born. Also, the state has legitimate interest in the efficient adoption of newborn children and ensuring that putative fathers come forward quickly to take responsibility so that such proceedings are not disturbed after a child has been placed with adoptive parents. The state also has a legitimate interest in protecting the best interests of children born out of wedlock who have the opportunity to be adopted into a more traditional two parent home. The statutes found at Neb. Rev. Stat. §§ 43-104 through 43-104.06 accomplish these state interests and is consistent with the level of protection given to putative fathers by the Unites States Supreme court.

Nebraska Supreme Court Cases

The cases of Shoecraft v. Catholic Social Services, 222 Neb. 574, 385 N.W.2d 448 (1986), and In re Application of S.R.S. and M.B.S., 225 Neb. 759, 408 N.W.2d 272 (1987), appear to contradict each other yet are fact specific and consistent with the United States Supreme Court decisions and legitimate state interests set forth above. In S.R.S. and M.B.S., the father had accepted responsibility and supported the mother during her pregnancy. The father also had lived with the mother and child for 19 months after the child was born. There was an established relationship, and the father immediately accepted responsibility. Whereas in Shoecraft, the biological father took no steps to accept responsibility or establish a relationship. The baby was placed for adoption immediately after birth, and he did not file with the Department of Social Services within the five day period required by Neb. Rev. Stat. § 43-104.02. Although there is language within Shoecraft that leaves open the possibility that a fact situation where the putative father who has no actual notice of the existence of his child can challenge Neb. Rev. Stat. § 43-104.02, it is the opinion of this

office that the state's interest in efficient adoption proceedings, preserving adoption proceedings from later intrusion, and the best interests or well-being of children in the State of Nebraska outweigh the putative father's opportunity interest in establishing a relationship with his children beyond the five day requirement of Neb. Rev. Stat. § 43-104.02.

The United States Supreme Court has limited putative fathers' interests in their children to an opportunity interest in establishing a relationship. That opportunity interest requires the father to step forward to accept responsibility and establish a relationship as early as possible. Although neither the United States nor Nebraska Supreme Courts have addressed a case where the putative father has no actual notice of the existence of his children, this office is of the opinion that the state's compelling interest in efficient and undisturbed adoption proceedings and the best interests and well-being of the state's children are achieved by Neb. Rev. Stat. § 43-104 through 43-104.06, and such statute will withstand a constitutional challenge in a case with facts similar to the "Baby Jessica" case.

Sincerely,
DON STENBERG
Attorney General
(Signed) Royce N. Harper
Senior Assistant Attorney General

15-10-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mrs. Crosby asked unanimous consent to print the following amendment to LB 401 in the Journal. No objections. So ordered.

AM2795

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 84-712.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-712.01. (1) Except ~~where~~ when any other statute expressly provides that particular information or records shall not be made public, public records shall include all records and documents, regardless of physical form, of or belonging to this state, any county, city, village, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing. Data which is a public record in its original form shall remain a public record when maintained in computer files.

(2) When a custodian of a public record of a county

which has a population of two hundred thousand inhabitants or more as determined by the most recent federal decennial census provides to a member of the public, upon request, a copy of the public record by transmitting it from a modem to an outside modem, a reasonable fee may be charged for such specialized service. Such fee may include a reasonable amount representing a portion of the amortization of the cost of computer equipment, including software, necessarily added in order to provide such specialized service. This subsection shall not be construed to require a governmental entity to acquire computer capability to generate public records in a new or different form when that new form would require additional computer equipment or software not already possessed by the governmental entity.

(3) ~~(2)~~ Sections 84-712 to 84-712.03 shall be liberally construed whenever any state, county, or political subdivision fiscal records, audit, warrant, voucher, invoice, purchase order, requisition, payroll, check, receipt or other record of receipt, cash, or expenditure involving public funds is involved in order that the citizens of this state shall have the full ~~rights~~ right to know of~~;~~ and have full access to information on the public finances of the government and the public bodies and entities created to serve them.

Sec. 2. That original section 84-712.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

NATURAL RESOURCES DISTRICT REPORTS

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1993 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lewis and Clark Natural Resources District	
John Thomas	80.40
Lower Platte North Natural Resources District	
Mr. George Svoboda	24,894.15
Knudsen, Berkheimer, Richardson and Endacott	155.39
Edstrom, Bromm, Lindahl, Wagner and Miller	1,269.50

ANNOUNCEMENT

The Chair announced yesterday was Senator Haberman's birthday.

MOTION - Approve Appointment

Mrs. Bohlke moved the adoption of the report of the Education Committee for the following Governor appointment found in the

Journal on page 365: Patrick Rogers - Educational Lands and Funds Board.

Voting in the affirmative, 25:

Bohlke	Dierks	Janssen	Moore	Vrtiska
Bromm	Engel	Jones	Preister	Wehrbein
Chambers	Fisher	Lynch	Rasmussen	Wesely
Crosby	Hall	Matzke	Schimek	Witek
Cudaback	Hillman	McKenzie	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 7:

Byars	Elmer	Hudkins	Robinson	Wickersham
Coordsen	Haberman			

Excused and not voting, 17:

Abboud	Bernard-	Hartnett	Monen	Schellpeper
Ashford	Stevens	Kristensen	Pedersen	Warner
Avery	Beutler	Landis	Pirsch	Will
	Day	Lindsay	Robak	

The appointment was confirmed with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 642. Mr. Lindsay renewed his pending amendment, AM2610, found in the Journal on page 332.

The Lindsay amendment was adopted with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Mr. Chambers offered the following amendment:
FA320
Page 4, lines 16-19, Strike all language.

The Chambers amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Advanced to E & R for review with 29 ayes, 1 nay, 7 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 642A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 286. The pending Standing Committee amendment, AM0132, found in the Journal on page 452 and considered on page 551, First Session, 1993, was renewed.

The Standing Committee amendment, as amended, lost with 0 ayes, 15 nays, 23 present and not voting, and 11 excused and not voting.

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

Mr. Coordsen withdrew his pending amendment, FA18, found in the Journal on page 525 and considered on page 552, First Session, 1993.

Mr. Coordsen withdrew his pending amendments, AM0201, AM0239, AM0241, AM0203, and AM0202, on file in the Clerk's Office and referred to on page 526, First Session, 1993.

Messrs. Hall, Coordsen, and Abboud withdrew their pending amendment, AM2749, printed separately from the Journal and referred to on page 358.

Mr. Hall renewed his pending amendment, AM2794, printed separately from the Journal and referred to on page 413.

Mr. Hall offered the following amendment to his pending amendment: FA321

Amend AM2794

On Page 15, strike beginning with "(1)" in line 4, through "(2)" in line 9.

On Page 15 strike "such" in line 11, page 15, and insert "28-405" after "section" in line 11.

The Hall amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

The Hall amendment, as amended, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 525. Title read. Considered.

Standing Committee amendment, AM0504, found in the Journal on page 759, First Session, 1993, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

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

Mrs. Bohlke moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Bernard-Stevens requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 19:

Ashford	Engel	Janssen	Monen	Schmitt
Bohlke	Hall	Landis	Preister	Wehrbein
Chambers	Hillman	Lynch	Rasmussen	Wesely
Coordsen	Hudkins	McKenzie	Schimek	

Voting in the negative, 16:

Avery	Byars	Haberman	Matzke	Warner
Bernard-Stevens	Crosby	Jones	Pirsch	Witek
	Cudaback	Kristensen	Vrtiska	Withem
Bromm	Elmer			

Present and not voting, 5:

Beutler	Fisher	Hartnett	Robinson	Wickersham

Absent and not voting, 3:

Abboud	Day	Lindsay

Excused and not voting, 6:

Dierks	Pedersen	Robak	Schellpeper	Will
Moore				

Failed to advance to E & R for review with 19 ayes, 16 nays, 5 present and not voting, 3 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 277. Placed on Select File as amended.
E & R amendment to LB 277:
AM5624

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 29-2246, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2246. ~~As used in~~ For purposes of the Nebraska Probation Administration Act and section ~~sections~~ 43-2,123.01, ~~and 83-1,102 to 83-1,104,~~ unless the context otherwise requires:

(1) Association shall mean the Nebraska District Court Judges Association;

(2) Court shall mean a district court, county court, or juvenile court, except a separate juvenile court established pursuant to sections 43-2,111 to ~~43-2,113 and 43-2,118 to~~ 43-2,127;

(3) Office shall mean the Office of Probation Administration;

(4) Probation shall mean a sentence under which a person found guilty of a crime upon verdict or plea or adjudicated delinquent or in need of special supervision is released by a court subject to conditions imposed by the court and subject to supervision;

(5) Probationer shall mean a person sentenced to probation;

(6) Probation officer shall mean any person who supervises probationers~~,~~ except unpaid volunteers from the community;

(7) Juvenile probation officer shall mean any probation officer who supervises probationers of a separate juvenile court;

(8) Chief probation officer shall mean the probation officer in charge of a probation district;

(9) System shall mean the Nebraska Probation System; and

(10) Administrator shall mean the probation administrator.

Sec. 2. That section 83-1,102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1,102. The Parole Administrator shall:

(1) Supervise and administer the Office of Parole Administration;

(2) Establish and maintain policies, standards, and procedures for the field parole service;

(3) Divide the state into parole districts and appoint district parole officers, ~~deputy~~ parole officers, ~~if required,~~ and such other employees as may be required to carry out adequate parole supervision of all parolees, ~~adequate probation supervision of probationers as ordered by district judges,~~ prescribe their powers and duties, and obtain office quarters for staff in each district as may be necessary;

(4) Cooperate with the Board of Parole, the courts, and all other agencies, public and private, which are concerned with the treatment or welfare of persons on parole;

(5) Provide the Board of Parole ~~and district judges~~ with any record of a parolee ~~or probationer~~ which ~~it~~ the board may require;

(6) Make recommendations to the Board of Parole ~~or district judge~~ in cases of violation of the conditions of parole, ~~or probation,~~ issue warrants for the arrest of parole ~~or probation~~ violators when so instructed by the board, ~~or district judge,~~ notify the Director of Correctional Services of determinations made by the board, and upon instruction of the board, issue certificates of parole and of parole revocation to the facilities, and certificates of discharge from parole to parolees;

(7) Organize and conduct training programs for the district parole officers and other employees; and

(8) Exercise all powers and perform all duties necessary and proper in carrying out his or her responsibilities.

Sec. 3. That section 83-1,103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1,103. The field parole service, consisting of district supervisors ~~parole officers~~ and ~~deputy~~ parole officers working under the direction of the Parole Administrator, ~~or district judge,~~ shall be responsible for the investigation, supervision, and assistance of parolees. ~~or probationers.~~ The field parole service shall be sufficient in size to assure that no ~~district~~ parole officer carries a case load larger than is compatible with adequate parole investigation or supervision.

Sec. 4. That section 83-1,116, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1,116. (1) When a committed offender is released on parole, the Board of Parole shall require as a condition of ~~his~~ parole that ~~he~~ the parolee refrain from engaging in criminal conduct. The board may also require, either at the time of ~~his~~ release on parole or at any time while ~~he~~ the parolee remains on parole, that he or she conform to any of the following conditions of parole:

(a) Meet ~~his~~ specified family responsibilities;

(b) Devote himself or herself to an approved employment;

(c) Remain in the geographic limits fixed in ~~his~~ the certificate of parole, unless granted written permission to leave such limits;

(d) Report, as directed, to ~~his district~~ the parole officer;

(e) Reside at the place fixed in ~~his~~ the certificate

of parole and notify ~~his~~ the district parole officer of any change in his or her address or employment;

(f) Submit ~~himself~~ to available medical, psychological, psychiatric, or other treatment;

(g) Refrain from associating with persons known to the parolee ~~him~~ to be engaged in criminal activities or, without permission of ~~his~~ the district parole officer, with persons known to the parolee ~~him~~ to have been convicted of a crime; and

(h) Satisfy any other conditions specially related to the cause of his or her offense and not unduly restrictive of his or her liberty or conscience.

(2) Before release on parole, a parolee shall be provided with a certificate of parole setting forth the conditions of ~~his~~ parole.

Sec. 5. That original sections 29-2246, 83-1,102, 83-1,103, and 83-1,116, Reissue Revised Statutes of Nebraska, 1943, and also section 83-1,104, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. On page 1, line 1, strike "parolee supervision" and insert "parole administration"; and strike beginning with "to" in line 3 through the semicolon in line 4.

LEGISLATIVE BILL 277A. Placed on Select File as amended.
E & R amendment to LB 277A:
AM5623

1. Strike the original section and all amendments thereto and insert the following new section:

"Section 1. There is hereby appropriated (1) $76,584 from the General Fund for FY1994-95 and (2) $153,168 from the General Fund for FY1995-96 to the Department of Correctional Services, for Program 360, to aid in carrying out the provisions of Legislative Bill 277, Ninety-third Legislature, Second Session, 1994.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $45,194 for FY1994-95 or $90,387 for FY1995-96.".

2. On page 1, line 3, strike "First Session, 1993" and insert "Second Session, 1994".

LEGISLATIVE BILL 441. Placed on Select File as amended.
E & R amendment to LB 441:
AM5621

1. On page 1, lines 1 and 5, strike "sections" and insert "section"; and in line 2 strike "and 25-2505".

LEGISLATIVE BILL 202. Placed on Select File.
LEGISLATIVE BILL 660. Placed on Select File.

LEGISLATIVE BILL 461. Placed on Select File as amended.
E & R amendment to LB 461:
AM5626

1. In the Pedersen amendments, FA316, in amendment 2 strike "(7)".

2. In the Standing Committee amendments, AM0284, on page 2, line 6, strike "and" and show as stricken; and strike beginning with "Appointees" in line 23 through the period in line 26, show the old matter as stricken, and insert "An appointee to a vacancy occurring from an unexpired term shall serve out the term of his or her predecessor.".

3. On page 1, line 1, strike "detention facilities" and insert "the Jail Standards Board" and strike "section" and insert "sections 83-4,124 and"; in line 2 after the semicolon insert "to change provisions relating to membership on the board;"; and in line 3 strike "section" and insert "sections".

(Signed) Janis McKenzie, Chairperson

NOTICE OF COMMITTEE HEARING
Transportation

Governor Appointments Tuesday, February 1, 1994 1:30 p.m.

Commission on Information Technology
- Dr. Michael Cunning
- Roger Kassebaum
- Sheryl Lindau
- Rachael LaBounty
- Jack McBride
- Floyd Olson
- Robert Sweeney
- Craig Schroeder
- Carol Aschenbrener, M.D.

NE Motor Vehicle Industry Licensing Board
- Mel Auch

Nebraska Railway Council
- Michael Shannon
- Don Coash

Board of Public Roads Classification and Standards
- Leslie Chaffin
- William Lindholm
- Arthur Yonkey
- Gene Acklie

NE Highway Commission
- Russell S. Eisenhart, Jr.
- Robert Kayton
- Duane Acklie

(Signed) Doug Kristensen, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 94007

DATE: January 11, 1994

SUBJECT: Victims' Rights

REQUESTED BY: Carol McBride Pirsch, State Senator, District 10

WRITTEN BY: Don Stenberg, Attorney General
Laurie Smith Camp, Assistant Attorney General

You have inquired whether the victims' rights set out in Neb. Rev. Stat. §§ 81-1848 and 81-1850 (Cum. Supp. 1992) are available to victims of crimes committed by offenders who are adjudicated under the Nebraska Juvenile Code as well as victims of crimes committed by offenders tried under the Nebraska Criminal Code. We conclude that the rights described in § 81-1848 are applicable, in part, to victims of crimes committed by offenders who are adjudicated under the Juvenile Code. The rights described in § 81-1850 are by definition applicable only to victims of crimes committed by offenders tried and convicted under the Criminal Code.

Sections 81-1848 and 81-1850 set forth certain rights of "victims" as the term is defined in Neb. Rev. Stat. § 29-119(2) (1993 Supp.). That definition reads as follows:

> (2) Victim shall mean a person who, as a result of a homicide, as defined in sections 28-302 to 28-306, a first degree sexual assault, as defined in section 28-319, a first degree assault, as defined in section 28-308, a sexual assault of a child as defined in section 28-320.01, a second degree assault as defined in section 28-309, a first degree false imprisonment as defined in section 28-314, a second degree sexual assault as defined in section 28-320, or a robbery, as defined in section 28-324, has had a personal confrontation with the offender and shall also include a person who has suffered serious bodily injury as defined in section 28-109 as a result of a motor vehicle accident when the driver was charged with a Class W misdemeanor as provided in section 60-6,196 or 60-197 or with violation of a city or village ordinance enacted in conformance with either of such sections. In the case of homicide, victim shall mean at least one family representative but shall not include the alleged perpetrator of the homicide. In the case of a sexual assault of a child, victim shall mean the child victim and the parents, guardians, or duty appointed legal representative of the child victim but shall not include the alleged perpetrator of the sexual assault.

So, "victims" are not only victims of crimes committed by offenders who are tried under the Nebraska Criminal Code, but also victims of crimes committed by offenders who are adjudicated under the Nebraska Juvenile Code. Some of the victims' rights described in §§ 81-8148 and 81-1850 will by the nature of their description apply only to situations where the offender has been tried and convicted under the Nebraska Criminal Code. For example, the victims' rights listed in § 81-1850 refer to a "convicted person" and place certain responsibilities on the Nebraska Board of Parole and the Department of Correctional Services with respect to information about "convicted persons." A juvenile adjudicated under Nebraska's Juvenile Code would not be considered a "convicted person" and the provisions of § 81-1850 would be inapplicable to situations involving juveniles adjudicated as delinquent. Many of the provisions in § 81-1848(2), however, have a more general application and are not restricted by definition to situations where the offender is tried under the Nebraska Criminal Code. So, many of the victims' rights listed § 81-1848(2) would be just as applicable in proceedings involving juvenile adjudications as they would in proceedings under the Criminal Code. One exception may be the victim's right to receive notification when a defendant in a felony case is released from custody under § 81-1848(2) (j), because an offender adjudicated under the Juvenile Code is not considered to be a "defendant."

If it is your intention to revise §§ 81-1848 and 81-1850 so that the victims' rights described in those sections would apply in cases of juvenile adjudications, attention should be given to such terms as criminal charges, defendant, conviction, and convicted person, because such terms are used in reference to proceedings under the Nebraska Criminal Code, and not adjudications under Nebraska's Juvenile Code.

Sincerely,
DON STENBERG
Attorney General
(Signed) Laurie Smith Camp
Assistant Attorney General

44-688-8.12

MOTION - Place LR 29CA on General File

Mrs. Pirsch moved to place LR 29CA on General File, pursuant to Rule 3, Section 19(b).

Laid over.

UNANIMOUS CONSENT - Print in Journal

Messrs. Warner and Withem asked unanimous consent to print the following amendment to LB 98A in the Journal. No objections. So ordered.

AM2818

(Amendments to Final Reading copy)

1. Strike the original section and insert the following new sections:

"Section 1. That section 23-3594.08, Revised Statutes Supplement, 1993, be amended to read as follows:

23-3594.08. (1) Unless disapproved pursuant to subsection (7) of section 77-4804, if the Director of Social Services makes a certification in accordance with section 23-3594.07, the director shall project the amount of loss of intergovernmental transfers due to the loss of federal financial participation for calendar years 1993 and 1994 and certify such amount to the Tax Commissioner. The Tax Commissioner shall determine and set the rate of tax for calendar years 1993 and 1994 imposed by section 77-4803 in an amount necessary to offset sixty percent of the amount of loss of intergovernmental transfers as certified by the director, but not more than a maximum rate of seven and seventy-two hundredths percent.

(2) Unless disapproved pursuant to subsection (7) of section 77-4804, if at least the following amounts of intergovernmental transfers are not made in the aggregate by the date specified, the Director of Social Services shall certify such failure to the Department of Revenue:

(a) Two million three hundred thousand dollars by ~~January 31, 1994~~ March 7, 1994;

(b) Nine million two hundred thousand dollars by April 30, 1994;

(c) Eleven million eight hundred thousand dollars by July 31, 1994;

(d) Fourteen million four hundred thousand dollars by October 31, 1994;

(e) Seventeen million dollars by January 31, 1995; and

(f) Nineteen million six hundred thousand dollars by April 30, 1995.

If the director so certifies, the director shall determine the deficient amount of intergovernmental transfers and certify such amount to the Tax Commissioner who shall increase the rate of tax for calendar years 1993 and 1994 imposed by section 77-4803 in an amount necessary to offset sixty percent of the deficient amount of intergovernmental transfers in each year, but not more than a maximum rate of seven and seventy-two hundredths percent.

Sec. 2. That original section 23-3594.08, Revised Statutes Supplement, 1993, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage

and approval, according to law.".

2. On page 1, strike beginning with "appropriations" in line 1 through "1993" in line 3 and insert "intergovernmental transfers; to amend section 23-3594.08, Revised Statutes Supplement, 1993; to change the date of a required transfer; to repeal the original section; and to declare an emergency".

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 977. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2799.)

LEGISLATIVE BILL 865. Indefinitely postponed.
LEGISLATIVE BILL 917. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

GENERAL FILE

LEGISLATIVE BILL 647. Title read. Considered.

Standing Committee amendment, AM0583, found in the Journal on page 802, First Session, 1993, was considered.

Messrs. Lindsay, Abboud, and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 6 nays, and 20 not voting.

Mrs. Hillman and Mr. Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Ms. Schimek and Mr. Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Witek offered the following amendment:
FA322
Amend as follows
On pg 2, line 6, Strike "shall" and insert "may"

Messrs. Fisher, Bernard-Stevens, and Elmer asked unanimous consent to be excused. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 123. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2808.)

LEGISLATIVE BILL 227. Placed on General File as amended.
Standing Committee amendment to LB 227:
AM2804

1. Strike the original sections and insert the following new sections:

"Section 1. That section 60-6,162, Revised Statutes Supplement, 1993, be amended to read as follows:

60-6,162. (1) Any stop signal or turnsignal required by the Nebraska Rules of the Road shall be given either by means of the hand and arm or by signal lights except as otherwise provided in this section.

(2) With respect to any motor vehicle having four or more wheels manufactured or assembled after January 1, 1954, designed or used for the purpose of carrying passengers or freight, ~~and~~ or any trailer, in use on a highway, except implements of husbandry designed primarily or exclusively for use in agricultural operations and fertilizer trailers as defined in section 60-301, during daylight hours, any required signal shall be given by the appropriate signal lights when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle or trailer exceeds twenty-four inches. Such ~~or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter~~ measurement shall apply to any single vehicle or trailer and to any combination of vehicles or trailers.

(3) Under any condition when a hand and arm signal would not be visible both to the front and rear of the vehicle of such signaling driver for one hundred feet, the required signals shall be given by such a light or device as required by this section.

Sec. 2. That section 60-6,219, Revised Statutes Supplement, 1993, be amended to read as follows:

60-6,219. (1) Every motor vehicle upon a highway within this state during the period from sunset to sunrise and at any other time when there is not sufficient light to render

clearly discernible persons or vehicles upon the highway at a distance of five hundred feet ahead shall be equipped with lighted headlights and taillights as respectively required in this section for different classes of vehicles.

(2) Every motor vehicle, other than a motorcycle, a road roller, or road machinery, shall be equipped with two or more headlights, at the front of and on opposite sides of the motor vehicle. ~~, and with a taillight exhibiting a red light visible from a distance of at least five hundred feet to the rear of such vehicle.~~ The headlights shall comply with the requirements and limitations set forth in sections 60-6,221 and 60-6,223.

(3) Every motor vehicle and trailer, other than a motorcycle, a road roller, or road machinery, shall be equipped with one or more taillights, at the rear of the motor vehicle or trailer, exhibiting a red light visible from a distance of at least five hundred feet to the rear of such vehicle.

(4) ~~(3)~~ Every motorcycle shall be equipped with at least one and not more than two headlights and with a taillight exhibiting a red light visible from a distance of at least five hundred feet to the rear of such motorcycle. The headlights shall comply with the requirements and limitations set forth in ~~such~~ sections 60-6,221 and 60-6,223.

(5) ~~(4)~~ The requirement in this section as to the distance from which lights must render obstructions visible or within which lights must be visible shall apply during the time stated in this section upon a straight, level, unlighted highway under normal atmospheric conditions.

(6) ~~(5)~~ It shall be unlawful for any owner or operator of any motor vehicle to operate such vehicle upon a highway unless:

(a) The condition of the lights and electric circuit is such as to give substantially normal light output;

(b) ~~The~~ Each taillight shows red directly to the rear, the lens covering ~~the~~ each taillight is unbroken, ~~the~~ each taillight is securely fastened, and the electric circuit is free from grounds or shorts;

(c) There is no more than one spotlight except for law enforcement personnel, government employees, and public utility employees;

(d) There are no more than two auxiliary driving lights and every such auxiliary light meets the requirements for auxiliary driving lights provided in section 60-6,225;

(e) If equipped with any lighting device, other than headlights, spotlights, or auxiliary driving lights, which projects a beam of light of an intensity greater than twenty-five candlepower, such lighting device meets the requirements of subsection (4) of section 60-6,225; and

(f) If equipped with side cowl or fender lights, there are no more than two such lights and each such side cowl or fender light emits an amber or white light.

Sec. 3. That section 60-6,225, Revised Statutes Supplement, 1993, be amended to read as follows:

60-6,225. (1) Any motor vehicle may be equipped with spotlights as specified in section 60-6,219, and every lighted spotlight shall be so aimed and used upon approaching another vehicle that no part of the beam will be directed to the left of the center of the highway nor more than one hundred feet ahead of the vehicle.

(2) Any motor vehicle may be equipped with not to exceed two auxiliary driving lights mounted on the front at a height not less than twelve inches nor more than forty-two inches above the level surface on which the vehicle stands, and every such auxiliary driving light shall meet the requirements and limitations set forth in section 60-6,221. The restrictions on mounting height provided in this subsection shall not apply to any motor vehicle equipped with a blade, plow, or any other device designed for the movement of snow. Auxiliary driving lights shall be turned off at the same time the motor vehicle's headlights are required to be dimmed when approaching another vehicle from either the front or the rear.

(3) Whenever a motor vehicle is equipped with a signal light, the signal light shall be so constructed and located on the vehicle as to give a signal which shall be plainly visible in normal sunlight from a distance of one hundred feet to the rear of the vehicle but shall not project a glaring or dazzling light.

(4) Any device, other than headlights, spotlights, or auxiliary driving lights, which projects a beam of light of an intensity greater than twenty-five candlepower shall be so directed that no part of the beam will strike the level of the surface on which the vehicle stands at a distance of more than fifty feet from the vehicle.

Sec. 4. That section 60-6,226, Revised Statutes Supplement, 1993, be amended to read as follows:

60-6,226. (1) Any motor vehicle having four or more wheels which is manufactured or assembled after January 1, 1954, designed or used for the purpose of carrying passengers or freight, or any trailer, ~~and~~ in use on a highway, shall be equipped with brake and turnsignal lights in good working order.

(2) Motorcycles, motor-driven cycles, motor scooters, bicycles, vehicles used solely for agricultural purposes, ~~and~~ vehicles not designed and intended primarily for use on a highway, and, during daylight hours, implements of husbandry designed primarily or exclusively for use in

agricultural operations and fertilizer trailers as defined in section 60-301 shall not be required to have or maintain in working order signal lights required by this section, but they may be so equipped. The operator thereof shall comply with the requirements for utilizing hand and arm signals or for utilizing such signal lights if the vehicle is so equipped.

Sec. 5. That section 60-6,227, Revised Statutes Supplement, 1993, be amended to read as follows:

60-6,227. It shall be unlawful for any person to drive on any of the highways of this state with only parking lights ~~in lieu of headlights~~ turned on.

Sec. 6. That section 60-6,232, Revised Statutes Supplement, 1993, be amended to read as follows:

60-6,232. A rotating or flashing amber light or lights shall be displayed on the roof of any motor vehicle being operated by any rural mail carrier outside the corporate limits of any municipality in this state ~~when stopping~~ on or near any highway in the process of delivering mail.

A rotating or flashing amber light or lights may be displayed on (1) any vehicle of the Military Department while on any state emergency mission, (2) any motor vehicle being operated by any public utility, vehicle service, or towing service or any publicly or privately owned construction or maintenance vehicle while performing its duties on or near any highway, (3) any motor vehicle being operated by any member of the Civil Air Patrol, (4) any pilot vehicle escorting an overdimensional load, or (5) any vehicle while actually engaged in the moving of houses, buildings, or other objects of extraordinary bulk, including unbaled livestock forage as authorized by subdivision (2)(g) of section 60-6,288.

Sec. 7. That original sections 60-6,162, 60-6,219, 60-6,225, 60-6,226, 60-6,227, and 60-6,232, Revised Statutes Supplement, 1993, are repealed.".

(Signed) Doug Kristensen, Chairperson

Health and Human Services

LEGISLATIVE BILL 73. Indefinitely postponed.
LEGISLATIVE BILL 135. Indefinitely postponed.
LEGISLATIVE BILL 167. Indefinitely postponed.
LEGISLATIVE BILL 438. Indefinitely postponed.
LEGISLATIVE BILL 469. Indefinitely postponed.
LEGISLATIVE BILL 656. Indefinitely postponed.
LEGISLATIVE BILL 740. Indefinitely postponed.
LEGISLATIVE BILL 787. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

Governor Appointment Merle Anderson - Nebraska Investment Council	Tuesday, February 1, 1994	1:30 p.m.
LB 862	Tuesday, February 1, 1994	1:30 p.m.
LB 867	Tuesday, February 1, 1994	1:30 p.m.
LB 1048	Tuesday, February 1, 1994	1:30 p.m.
LB 1049	Tuesday, February 1, 1994	1:30 p.m.
LB 1066	Tuesday, February 1, 1994	1:30 p.m.

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 647 in the Journal. No objections. So ordered.

FA323

Any costs bourne by a school district from the implementation of this law will be re-imbursed by the General Fund of the State of Nebraska

UNANIMOUS CONSENT - Add Cointroducers

Mr. Schmitt asked unanimous consent to have his name added as cointroducer to LB 1200. No objections. So ordered.

Mr. Withem asked unanimous consent to have his name added as cointroducer to LB 1317. No objections. So ordered.

Ms. Schimek asked unanimous consent to have her name added as cointroducer to LR 295CA. No objections. So ordered.

Mrs. Hudkins asked unanimous consent to have her name added as cointroducer to LB 647. No objections. So ordered.

Mr. Hartnett asked unanimous consent to have his name added as cointroducer to LB 979 and LR 276CA. No objections. So ordered.

Mr. Engel asked unanimous consent to have his name added as cointroducer to LB 1155, LB 1156, LB 1157, and LB 1158. No objections. So ordered.

VISITORS

Visitors to the Chamber were Jered Matzke from Omaha; Rob Hein and son, Tanner; Senator Hillman's son, Terry, daughter-in-law, Cindy,

and grandchildren, Meggan and Stephanie Hillman, from Rapid City, South Dakota; and Richard Angus and Jane Bonham-Carter.

The Doctor of the Day was Jay Matzke from Omaha.

ADJOURNMENT

At 12:05 p.m., on a motion by Mrs. McKenzie, the Legislature adjourned until 9:00 a.m., Tuesday, January 25, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTEENTH DAY - JANUARY 25, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 25, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

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

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Avery, Coordsen, Elmer, Jones, Landis, Lindsay, Warner, Will, Ms. Day, Mmes. Rasmussen, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twelfth day was approved.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 1021. Placed on General File.

(Signed) Ardyce Bohlke, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 366. Placed on General File as amended.
Standing Committee amendment to LB 366:
AM2796

1. Strike original section 1 and insert the following new section:

"Section 1. That section 79-1501.01, Revised Statutes Supplement, 1993, be amended to read as follows:

79-1501.01. Sections 79-1501 to 79-1567 and section 2 of this act shall be known and may be cited as the School Employees Retirement Act.".

2. On page 2, line 10, after "service" insert "accrued since January 1, 1978,".

3. On page 3, line 5, strike "sections 79-1501.01 and" and insert "section"; and in line 6 before "are" insert "and section 79-1501.01, Revised Statutes Supplement, 1993,".

(Signed) Wm. R. Wickersham, Chairperson

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 376. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5622.)

(Signed) Janis McKenzie, Chairperson

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 166. Placed on General File.
LEGISLATIVE BILL 212. Placed on General File.
LEGISLATIVE BILL 213. Placed on General File.
LEGISLATIVE BILL 874. Placed on General File.
LEGISLATIVE BILL 925. Placed on General File.
LEGISLATIVE BILL 948. Placed on General File.
LEGISLATIVE BILL 1001. Placed on General File.
LEGISLATIVE BILL 1004. Placed on General File.
LEGISLATIVE BILL 1005. Placed on General File.
LEGISLATIVE BILL 1007. Placed on General File.

LEGISLATIVE RESOLUTION 282. Placed on General File.

LEGISLATIVE BILL 169. Indefinitely postponed.
LEGISLATIVE BILL 233. Indefinitely postponed.
LEGISLATIVE BILL 281. Indefinitely postponed.
LEGISLATIVE BILL 355. Indefinitely postponed.
LEGISLATIVE BILL 380. Indefinitely postponed.
LEGISLATIVE BILL 776. Indefinitely postponed.

LEGISLATIVE RESOLUTION 4CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 12CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 18CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 22CA. Indefinitely postponed.

LEGISLATIVE RESOLUTION 27CA. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1315 through 1361 and legislative resolutions 302CA and 303CA.

LB	Committee
1315	Business and Labor
1316	Revenue
1317	Transportation
1318	Health and Human Services
1319	Judiciary
1320	Urban Affairs
1321	Urban Affairs
1322	Urban Affairs
1323	Urban Affairs
1324	General Affairs
1325	Health and Human Services
1326	Judiciary
1327	Judiciary
1328	Judiciary
1329	Judiciary
1330	Judiciary
1331	Judiciary
1332	Judiciary
1333	Judiciary
1334	Judiciary
1335	Agriculture
1336	Revenue
1337	Business and Labor
1338	Nebraska Retirement Systems
1339	Nebraska Retirement Systems
1340	Education
1341	Banking, Commerce and Insurance
1342	Judiciary
1343	Judiciary
1344	Judiciary
1345	Judiciary
1346	Judiciary
1347	Judiciary
1348	Judiciary
1349	Natural Resources
1350	Judiciary
1351	Judiciary
1352	Health and Human Services

1353	General Affairs
1354	General Affairs
1355	General Affairs
1356	Appropriations
1357	Judiciary
1358	Natural Resources
1359	Executive Board
1360	Natural Resources
1361	Urban Affairs

LR	**Committee**
302CA	General Affairs
303CA	General Affairs

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

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 1043	Wednesday, February 2, 1994	1:30 p.m.
LB 1080	Wednesday, February 2, 1994	1:30 p.m.
LB 1097	Wednesday, February 2, 1994	1:30 p.m.
LB 1145	Wednesday, February 2, 1994	1:30 p.m.
LB 1093	Thursday, February 3, 1994	1:30 p.m.
LB 1143	Thursday, February 3, 1994	1:30 p.m.
LB 1252	Thursday, February 3, 1994	1:30 p.m.
LB 1273	Thursday, February 3, 1994	1:30 p.m.
LB 1075	Friday, February 4, 1994	1:30 p.m.
LB 1079	Friday, February 4, 1994	1:30 p.m.
LB 1236	Friday, February 4, 1994	1:30 p.m.
LR 295CA	Friday, February 4, 1994	1:30 p.m.
Governor Appointment Virgie Louis - NE State Personnel Board	Friday, February 4, 1994	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

Nebraska Retirement Systems

LB 1068	Tuesday, February 1, 1994	12:00 p.m.
LB 1245	Tuesday, February 1, 1994	12:00 p.m.
LB 1306	Tuesday, February 1, 1994	12:00 p.m.

(Signed) Wm. R. Wickersham, Chairperson

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

The Committee on Government, Military and Veterans Affairs desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Robert D. Coupland - Nebraska Personnel Board
Stanley A. Matzke - Nebraska Accountability and Disclosure Commission

VOTE: Aye: Senators Cudaback, Haberman, Janssen, Pirsch, Robinson, Schimek, Schmitt, and Witek.

(Signed) DiAnna R. Schimek, Chairperson

NATURAL RESOURCES DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1993 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Papio-Missouri River Natural Resources District	
Gast and Peters, Attorneys	
Paul F. Peters	17,458.34
Schmid Mooney and Frederick P.C.	160,774.47
Baird, Holm, McEachen, Pedersen, Hamann and Strashe	7,418.90
Golby Uhlir	2,356.00
Taylor, Connolly and Kluver	1,005.60
American Communication Group	
Richard A. Lombardi	11,800.00

REPORTS

Received report from the Auditor of Public Accounts of the State of Nebraska Comprehensive Annual Financial Report.

Received quarterly audit reports and/or management letters from the Auditor of Public Accounts for the following: University of Nebraska (2 reports); Chadron State College; Wayne State College; State of Nebraska - CAFR; NE Liquor Control Commission; NE Department of Aeronautics; NE Game and Parks Commission; Office of the Lieutenant Governor; NE Motor Vehicle Industry Licensing Board; NE Department on Aging; NE Department of Motor Vehicles; NE Department of Social Services, State Wards' Guardianship Accounts;

NE Department of Revenue, Cigarette Tax Revenue; NE Board of Educational Lands and Funds; NE Accountability and Disclosure Commission; NE Department of Banking and Finance; NE Supreme Court; NE Energy Office; and Peru State College (2 reports).

Received minutes from the Department of Roads, Board of Public Roads Classifications and Standards, for December 1993.

ANNOUNCEMENT

The Chair announced today is Senator Bohlke's birthday.

SELECT FILE

LEGISLATIVE BILL 737. Considered.

Mr. Wickersham offered the following amendment:
AM2838

(Amendments to AM0748)

1. On page 5, line 21, strike the new matter, after "Thomas" insert an underscored comma, reinstate the stricken "and Cherry", and after the reinstated "Cherry" insert an underscored semicolon; and in line 23 strike "Cherry,".

The Wickersham amendment was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Mr. Fisher moved to indefinitely postpone LB 737.

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

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 13 nays, and 20 not voting.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Fisher withdrew his motion to indefinitely postpone LB 737.

Pending.

MOTION - Return LB 98A to Select File

Mr. Wesely offered the Warner-Withem motion to return LB 98A to Select File for the Warner-Withem specific amendment, AM2818, found in the Journal on page 468.

Messrs. Wickersham and Robinson asked unanimous consent to be excused until they return. No objections. So ordered.

The Warner-Withem motion to return prevailed with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 98A. The Warner-Withem specific amendment, AM2818, found in the Journal on page 468, was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to E & R for reengrossment.

UNANIMOUS CONSENT - Expedite LB 98A

Mr. Warner asked unanimous consent to expedite LB 98A. No objections. So ordered.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 923. Placed on General File as amended.
Standing Committee amendment to LB 923:
AM2837

1. Insert the following new section:

"Sec. 7. That section 79-1303, Revised Statutes Supplement, 1993, be amended to read as follows:

79-1303. (1) In making the apportionment under section 79-1302, the Commissioner of Education shall distribute from the school fund for school purposes, to any and all school districts and to the nonresident high school tuition fund of counties in which there are situated school lands ~~which have not been sold and transferred by deed~~ or saline lands <u>which are</u> owned by the state, an amount in lieu of tax money that would be raised if such lands were taxable, to be ascertained in accordance with subsection (2) of this section, except that:

(a) For Class I districts or portions thereof which are affiliated and in which there are situated school or saline lands, 38.6207 percent of the in lieu of land tax money calculated pursuant to subsection (2) of this section, based on the affiliated school system tax levy computed pursuant to section 79-438.12, shall be distributed to the affiliated high school district and the remainder shall be distributed to the Class I district;

(b) For Class I districts or portions thereof which are part of a Class VI district which offers instruction in

grades nine through twelve and in which there are situated school or saline lands, 38.6207 percent of the in lieu of land tax money calculated pursuant to subsection (2) of this section, based on the Class VI school system levy computed pursuant to section 79-438.13, shall be distributed to the Class VI district and the remainder shall be distributed to the Class I district; and

(c) For Class I districts or portions thereof which are part of a Class VI district which offers instruction in grades seven through twelve and in which there are situated school or saline lands, 55.1724 percent of the in lieu of land tax money calculated pursuant to subsection (2) of this section, based on the Class VI school system levy computed pursuant to section 79-438.13, shall be distributed to the Class VI district and the remainder shall be distributed to the Class I district.

(2) The county superintendents shall certify to the Commissioner of Education the tax levy for school purposes of each school district and the nonresident high school tuition levy of the county in which the school land or saline land is located and the last appraised value of such school land, which value shall be the same percentage of the appraised value as the percentage of the assessed value is of market value in section 77-1360.01 for the purpose of applying the applicable tax levy for each district and for the nonresident high school tuition fund in determining the distribution to the districts and to the nonresident high school tuition fund of the counties of such amounts. The board of any school district in which there is located any leased or undeeded school land or saline land subject to this section may appeal to the Board of Educational Lands and Funds for a reappraisement of such school land if such school board deems the land not appraised in proportion to the value of adjoining land of the same or similar value. The Board of Educational Lands and Funds shall proceed to investigate the facts involved in such appeal and, if the contention of the school board is correct, make the proper reappraisement. The value calculation in this subsection shall be used by the Commissioner of Education for making distributions in the 1992-93 school year and every year thereafter.".

2. On page 2, lines 15 and 18, and page 3, line 25, strike "shall" and insert "may".

3. On page 6, line 17, after the first comma insert "and section 79-1303, Revised Statutes Supplement, 1993,".

4. Renumber the remaining sections accordingly.

(Signed) Ardyce Bohlke, Chairperson

NOTICE OF COMMITTEE HEARINGS

Appropriations

Tuesday, February 1, 1994, Room 1520 1:30 p.m.
Agency 05 - Supreme Court
Agency 46 - Department of Corrections
Agency 64 - Nebraska State Patrol
Agency 78 - Commission on Law Enforcement & Criminal Justice

Wednesday, February 2, 1994, Room 1003 1:30 p.m.
Agency 20 - Department of Health
Agency 25 - Department of Public Institutions
Agency 26 - Department of Social Services
Agency 82 - Commission on Hearing Impaired

Low income Energy Assistance Block Grant (Dept. of Social Services)
Community Services Block Grant (Dept. of Social Services)

Thursday, February 3, 1994, Room 1003 1:30 p.m.
Agency 31 - Military Department
Agency 33 - Game & Parks Commission
Agency 72 - Department of Economic Development
Agency 84 - Department of Environmental Quality

Friday, February 4, 1994, Room 1003 1:30 p.m.
Agency 41 - Real Estate Commission
Agency 54 - Nebraska State Historical Society
Agency 67 - Equal Employment Opportunity Commission

(Signed) Scott Moore, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 219 in the Journal. No objections. So ordered.

AM2816

1. Strike original section 6 and insert the following new section:

"Sec. 6. This act shall become operative on August 1, 1994.".

Mr. Hall asked unanimous consent to print the following amendment to LB 322 in the Journal. No objections. So ordered.

AM2854

(Amendments to E & R amendments, AM5625)

1. On page 2, strike beginning with "Any" in line 24 through "party" in line 25 and insert "Any attorney services".

SELECT FILE

LEGISLATIVE BILL 737. Mr. Bromm asked unanimous consent to bracket until February 1, 1994. No objections. So ordered.

LEGISLATIVE BILL 254. E & R amendment, AM5606, found in the Journal on page 350, was adopted.

Mrs. McKenzie and Mr. Kristensen renewed their pending amendment, AM2768, found in the Journal on page 379.

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

MRS. CROSBY PRESIDING

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

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

The McKenzie-Kristensen amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Hall offered the following amendment:
FA324
Amend the Kristensen amendment AM2284 on page 2, line 10 after the word "located" insert a period ".", then strike the balance of language in line 10 and all of lines 11 and 12.

Messrs. Haberman and Wesely asked unanimous consent to be excused. No objections. So ordered.

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

Mr. Hall requested a record vote on his amendment.

Voting in the affirmative, 11:

Abboud	Crosby	Monen	Rasmussen	Schimek
Bernard-Stevens	Hall	Preister	Robak	Will
	Lindsay			

Voting in the negative, 25:

Ashford	Avery	Bromm	Byars	Coordsen

Cudaback	Hillman	Kristensen	Schellpeper	Wehrbein
Day	Hudkins	Landis	Schmitt	Wickersham
Engel	Janssen	Pirsch	Vrtiska	Witek
Fisher	Jones	Robinson	Warner	Withem

Present and not voting, 8:

Bohlke	Elmer	Matzke	Moore	Pedersen
Chambers	Hartnett	McKenzie		

Excused and not voting, 5:

Beutler	Dierks	Haberman	Lynch	Wesely

The Hall amendment lost with 11 ayes, 25 nays, 8 present and not voting, and 5 excused and not voting.

Mr. Chambers offered the following amendment:
FA325
Amend (AM2284)
In second line 8 Strike "or a traffic infraction"

Pending.

LEGISLATIVE BILL 381. Advanced to E & R for engrossment.

LEGISLATIVE BILL 501. E & R amendment, AM5612, found in the Journal on page 409, was adopted.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: 98A.

Correctly Engrossed

The following bills were correctly engrossed: 846, 847, 848, 849, 850, 851, and 852.

(Signed) Janis McKenzie, Chairperson

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 892. Placed on General File.

LEGISLATIVE BILL 899. Placed on General File.
LEGISLATIVE BILL 1026. Placed on General File.

LEGISLATIVE BILL 903. Placed on General File as amended.
Standing Committee amendment to LB 903:
AM2834

1. Strike the original sections and insert the following new sections:

"Section 1. That section 24-301.02, Revised Statutes Supplement, 1993, be amended to read as follows:

24-301.02. The State of Nebraska shall be divided into the following twelve district court judicial districts:

District No. 1 shall contain the counties of Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, Fillmore, and Richardson;

District No. 2 shall contain the counties of Sarpy, Cass, and Otoe;

District No. 3 shall contain the county of Lancaster;

District No. 4 shall contain the county of Douglas;

District No. 5 shall contain the counties of Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders;

District No. 6 shall contain the counties of Dixon, Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

District No. 7 shall contain the counties of Knox, Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

District No. 8 shall contain the counties of Cherry, Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard;

District No. 9 shall contain the counties of Buffalo and Hall;

District No. 10 shall contain the counties of Adams, Clay, Phelps, Kearney, Harlan, Franklin, Webster, and Nuckolls;

District No. 11 shall contain the counties of Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas; and

District No. 12 shall contain the counties of Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, Grant, and Deuel.

In the fourth district there shall be ~~fourteen~~ fifteen judges of the district court. In the third district there shall be ~~six~~ seven judges of the district court. In the twelfth district there shall be five judges of the district court. In the second and fifth ~~district~~ districts there shall be four judges of the district court. In the first, ~~second,~~ sixth, ninth, and eleventh districts there shall be three

judges of the district court. In the seventh, eighth, and tenth districts there shall be two judges of the district court.

Sec. 2. That section 24-503, Revised Statutes Supplement, 1993, be amended to read as follows:

24-503. For the purpose of serving the county courts in each county, twelve county judge districts are hereby created:

District No. 1 shall contain the counties of Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, and Richardson;

District No. 2 shall contain the counties of Sarpy, Cass, and Otoe;

District No. 3 shall contain the county of Lancaster;

District No. 4 shall contain the county of Douglas;

District No. 5 shall contain the counties of Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders;

District No. 6 shall contain the counties of Dixon, Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

District No. 7 shall contain the counties of Knox, Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

District No. 8 shall contain the counties of Cherry, Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard;

District No. 9 shall contain the counties of Buffalo and Hall;

District No. 10 shall contain the counties of Fillmore, Adams, Clay, Phelps, Kearney, Harlan, Franklin, Webster, and Nuckolls;

District No. 11 shall contain the counties of Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas; and

District No. 12 shall contain the counties of Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, Grant, and Deuel.

District 4 shall have ~~eleven~~ twelve county judges. Districts 3, 5, and 12 shall have six county judges. District 11 shall have five county judges. Districts 6 and 9 shall have four county judges. Districts 1, 2, 7, 8, and 10 shall have three county judges.

Judge of the county court shall include any person appointed to the office of county judge or municipal judge prior to July 1, 1985, pursuant to Article V, section 21, of the Constitution of Nebraska.

Any person serving as a municipal judge in district 3 or 4 immediately prior to July 1, 1985, shall be a judge of

the county court and shall be empowered to hear only those cases as provided in section 24-517 which the presiding judge of the county court for such district, with the concurrence of the Supreme Court, shall direct.

Sec. 3. That original sections 24-301.02 and 24-503, Revised Statutes Supplement, 1993, are repealed.".

LEGISLATIVE BILL 619. Indefinitely postponed.
LEGISLATIVE BILL 898. Indefinitely postponed.
LEGISLATIVE BILL 955. Indefinitely postponed.
LEGISLATIVE BILL 1052. Indefinitely postponed.

LEGISLATIVE RESOLUTION 278CA. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

NOTICE OF COMMITTEE HEARINGS

Agriculture

LB 1165	Tuesday, February 1, 1994	1:30 p.m.
LB 1071	Tuesday, February 1, 1994	1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

Urban Affairs

LB 1041	Tuesday, February 1, 1994	1:30 p.m.
LB 1191	Tuesday, February 1, 1994	1:30 p.m.
LB 1120	Tuesday, February 1, 1994	1:30 p.m.
LB 1127	Tuesday, February 1, 1994	1:30 p.m.
LB 1323	Tuesday, February 1, 1994	1:30 p.m.
LB 1114	Tuesday, February 8, 1994	1:30 p.m.
LB 1130	Tuesday, February 8, 1994	1:30 p.m.
LB 1320	Tuesday, February 8, 1994	1:30 p.m.
LB 1321	Tuesday, February 8, 1994	1:30 p.m.
LB 1294	Tuesday, February 8, 1994	1:30 p.m.
LB 1188	Tuesday, February 22, 1994	1:30 p.m.
LB 1121	Tuesday, February 22, 1994	1:30 p.m.
LB 1322	Tuesday, February 22, 1994	1:30 p.m.
LB 1361	Tuesday, February 22, 1994	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

Education

LB 1253	Tuesday, February 1, 1994	1:30 p.m.
LB 1184	Tuesday, February 1, 1994	1:30 p.m.

LB 1250	Tuesday, February 1, 1994	1:30 p.m.
LB 1311	Tuesday, February 1, 1994	1:30 p.m.

(Signed) Ardyce Bohlke, Chairperson

STANDING COMMITTEE REPORT
Education

The Committee on Education desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Coordinating Commission for Postsecondary Education
Jane Renner Hood
Sheila Griffin
Barbara Marcy
Dick Davis

VOTE: Aye: Senators Monen, Beutler, Janssen, Bohlke, Rasmussen, Warner, McKenzie, and Wickersham. Nay: None. Absent: None.

(Signed) Ardyce Bohlke, Chairperson

MESSAGES FROM THE GOVERNOR

January 24, 1994

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

Dear Madam President, Speaker Withem, and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Commission on Law Enforcement and Criminal Justice, requiring legislative approval.

APPOINTEE: Allen Curtis, Director

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

January 24, 1994

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

Dear Madam President, Speaker Withem, and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Department of Motor Vehicles, requiring legislative approval.

APPOINTEE: Alvin Abramson, Director

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

January 24, 1994

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

Dear Madam President, Speaker Withem, and Senators:

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

APPOINTEE: Sharon D. Jackson

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

January 24, 1994

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

Dear Madam President, Speaker Withem, and Senators:

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

APPOINTEE: Manuel S. Gallardo

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

UNANIMOUS CONSENT - Print in Journal

Mr. Vrtiska asked unanimous consent to print the following amendment to LB 737 in the Journal. No objections. So ordered.

AM2847

(Amendments to Standing Committee amendment, AM0748)

1. On page 3, strike lines 10 through 27 and insert "Lancaster County;".
2. On page 4, strike lines 1 through 4.
3. On page 6, strike beginning with "Seward" in line 4 through "1" in line 5 and insert "and Seward".

Mr. Landis asked unanimous consent to print the following amendment to LB 493 in the Journal. No objections. So ordered.

AM2855

(Amendments to Standing Committee amendment, AM0838)

1. Strike section 15.
2. On page 12, line 21, strike "17" and insert "16".
3. Renumber the remaining sections accordingly.

Ms. Schimek asked unanimous consent to print the following amendment to LB 693 in the Journal. No objections. So ordered.

FA326

Amend as follows:

On page 2, line 18, after the first "convicted person," insert to the convicted person's spouse.

Mr. Will asked unanimous consent to print the following amendment to LB 489 in the Journal. No objections. So ordered.

AM2824

(Amendments to Standing Committee amendment, AM0797)

1. Strike the original amendments and insert the following new amendments:

"1. Strike original sections 2 to 6.

2. On page 6, strike beginning with 'sections' in line 18 through the third comma in line 19 and insert 'section 9-239,'; and in line 20 after the third comma insert 'and' and strike '9-643, and 9-644,'.

3. Renumber the remaining section accordingly.".

Mrs. Crosby asked unanimous consent to print the following amendment to LB 401 in the Journal. No objections. So ordered.

AM2831

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 84-712.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-712.01. (1) Except ~~where~~ when any other statute expressly provides that particular information or records shall not be made public, public records shall include all records and documents, regardless of physical form, of or belonging to this state, any county, city, village, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing. Data which is a public record in its original form shall remain a public record when maintained in computer files.

(2) When a custodian of a public record of a county which has a population of one hundred thousand inhabitants or more as determined by the most recent federal decennial census provides to a member of the public, upon request, a copy of the public record by transmitting it from a modem to an outside modem, a reasonable fee may be charged for such specialized service. Such fee may include a reasonable amount representing a portion of the amortization of the cost of computer equipment, including software, necessarily added in order to provide such specialized service. This subsection shall not be construed to require a governmental entity to acquire computer capability to generate public records in a new or different form when that new form would require additional computer equipment or software not already possessed by the governmental entity.

(3) ~~(2)~~ Sections 84-712 to 84-712.03 shall be liberally construed whenever any state, county, or political subdivision fiscal records, audit, warrant, voucher, invoice, purchase order, requisition, payroll, check, receipt or other record of receipt, cash, or expenditure involving public funds

is involved in order that the citizens of this state shall have the full ~~rights~~ right to know of, and have full access to information on the public finances of the government and the public bodies and entities created to serve them.

Sec. 2. That original section 84-712.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Mmes. Pirsch, Witek, Robak, Ms. Schimek, Messrs. Pedersen, Ashford, and Will asked unanimous consent to print the following amendment to LR 29CA in the Journal. No objections. So ordered.

AM2689

1. Strike original sections 1 and 2 and insert the following new sections:

"Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to add a new section 28 to Article I:

I-28 '(1) A victim of a crime, as shall be defined by law, or his or her guardian or representative shall have: The right to be informed of all criminal court proceedings; the right to be present at trial unless the trial court finds sequestration necessary for a fair trial for the defendant; and the right to be informed of, be present at, and make an oral or written statement at sentencing, disposition, parole, pardon, commutation, and conditional release proceedings. This enumeration of certain rights for crime victims shall not be construed to impair or deny others provided by law or retained by crime victims.

(2) It shall be the duty of the Legislature to provide by law for the implementation of the rights granted in this section. Notwithstanding any other provision in this Constitution, the Legislature may provide by law for assessments, forfeitures, or fines against convicted defendants to pay the cost of implementing crime victims rights and for restitution for individual victims.

(3) Nothing in this section shall constitute a basis for error in favor of a defendant in any criminal proceeding, a basis for providing standing to participate as a party to any criminal proceeding, or a basis to contest the disposition of any charge.'.

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

'A constitutional amendment to prescribe that crime victims shall have certain rights. A crime victim or his or her guardian or representative would have the right to be informed of all criminal court

proceedings, the right to be present at trial unless the trial court finds that keeping the victim out is necessary for a fair trial for the defendant, and the right to be informed of, be present at, and make an oral or written statement at sentencing, disposition, parole, pardon, commutation, and conditional release proceedings. The Legislature would be required to pass laws for implementation of such rights. The Legislature could pass laws providing for assessments, forfeitures, or fines against convicted defendants to pay the cost of implementing crime victims rights and for restitution for individual victims.

For

Against'.".

Mr. Schmitt asked unanimous consent to print the following amendment to LB 358 in the Journal. No objections. So ordered.

AM2815

(Amendments to Standing Committee amendment, AM0883)

1. Insert the following new section:

"Sec. 5. Any notice or order provided for in sections 1 to 7 of this act shall be personally served on the respondent or on the person authorized by the respondent to receive notices and orders or shall be sent by registered mail or certified mail, return receipt requested, to the last-known address of the licensee or the person authorized to receive such notices and orders. A copy of the notice or order shall be filed in the records of the carrier enforcement division of the Nebraska State Patrol.".

2. On page 3, line 8, after "order" insert "pursuant to section 5 of this act".

3. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Monen asked unanimous consent to have his name added as cointroducer to LB 930. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Cointroducer

Mrs. Witek asked unanimous consent to have her name withdrawn as cointroducer to LB 922. No objections. So ordered.

VISITORS

Visitors to the Chamber were Jerry Gardner, Ted Hoffman, Jim Lees, and Vic Krause.

The Doctor of the Day was Ken Loper from Lincoln.

ADJOURNMENT

At 12:00 noon, on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Wednesday, January 26, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

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FOURTEENTH DAY - JANUARY 26, 1994

LEGISLATIVE JOURNAL

FOURTEENTH DAY - JANUARY 26, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 26, 1994

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Geoffrey Duncombe, First Assembly of God Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Beutler, Bromm, Byars, Fisher, Landis, Lindsay, Lynch, Schmitt, Warner, Will, Ms. Day, and Mrs. Hudkins who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirteenth day was approved.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 930. Placed on General File.

(Signed) Ardyce Bohlke, Chairperson

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems

LB 1238	Monday, February 7, 1994	1:30 p.m.
LB 1268	Monday, February 7, 1994	1:30 p.m.
LB 1287	Monday, February 7, 1994	1:30 p.m.
LB 1291	Monday, February 7, 1994	1:30 p.m.
LB 1339	Monday, February 7, 1994	1:30 p.m.

(Signed) Wm. R. Wickersham, Chairperson

MOTION - Approve Appointments

Ms. Schimek moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following Governor and Secretary of State appointments found in the Journal on page 481: Robert D. Coupland - Nebraska Personnel Board and Stanley A. Matzke - Nebraska Accountability and Disclosure Commission.

Voting in the affirmative, 26:

Ashford	Dierks	Hartnett	Pedersen	Vrtiska
Avery	Elmer	Janssen	Pirsch	Wehrbein
Bohlke	Engel	Jones	Robinson	Wesely
Chambers	Haberman	Kristensen	Schellpeper	Witek
Crosby	Hall	McKenzie	Schimek	Withem
Cudaback				

Voting in the negative, 0.

Present and not voting, 8:

Coordsen	Matzke	Preister	Robak	Wickersham
Hillman	Monen	Rasmussen		

Excused and not voting, 15:

Abboud	Bromm	Fisher	Lindsay	Schmitt
Bernard-Stevens	Byars	Hudkins	Lynch	Warner
Beutler	Day	Landis	Moore	Will

These appointments were confirmed with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Mrs. Bohlke moved the adoption of the report of the Education Committee for the following Governor appointments found in the Journal on page 491: Jane Renner Hood, Sheila Griffin, Barbara Marcy, and Dick Davis - Coordinating Commission for Postsecondary Education.

Voting in the affirmative, 25:

Avery	Cudaback	Fisher	Kristensen	Monen
Bohlke	Day	Hall	Landis	Pirsch
Chambers	Dierks	Hillman	Matzke	Preister
Crosby	Engel	Jones	McKenzie	Robinson

Schimek	Schmitt	Wesely	Witek	Withem

Voting in the negative, 0.

Present and not voting, 14:

Ashford	Coordsen	Hartnett	Rasmussen	Vrtiska
Bernard-Stevens	Elmer	Janssen	Robak	Wehrbein
	Haberman	Pedersen	Schellpeper	Wickersham

Excused and not voting, 10:

Abboud	Bromm	Hudkins	Lynch	Warner
Beutler	Byars	Lindsay	Moore	Will

These appointments were confirmed with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

MOTION - Place LR 29CA on General File

Mrs. Pirsch renewed her pending motion, found in the Journal on page 468, to place LR 29CA on General File, pursuant to Rule 3, Section 19(b).

Messrs. Dierks, Hartnett, Coordsen, and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hall raised a point of order:

If a motion pursuant to Rule 3, Section 19 is successful, in what form is the bill before the Legislature?

The Chair ruled the bill before the Legislature is as it was introduced without regard to any amendments considered by the committee or offered by the introducer.

MR. HALL PRESIDING

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Pedersen moved the previous question. The question is, "Shall the debate now close?"

Mrs. Pirsch moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The motion to cease debate prevailed with 26 ayes, 1 nay, and 22 not voting.

Mrs. Pirsch requested a roll call vote on her motion to place LR 29CA on General File.

Voting in the affirmative, 33:

Abboud	Day	Janssen	Pirsch	Schimek
Ashford	Elmer	Jones	Preister	Schmitt
Avery	Engel	Landis	Rasmussen	Vrtiska
Bohlke	Fisher	Matzke	Robak	Wehrbein
Bromm	Haberman	McKenzie	Robinson	Will
Crosby	Hillman	Monen	Schellpeper	Witek
Cudaback	Hudkins	Pedersen		

Voting in the negative, 2:

Hall	Kristensen

Present and not voting, 6:

Chambers	Warner	Wesely	Wickersham	Withem
Hartnett				

Excused and not voting, 8:

Bernard-Stevens	Beutler	Coordsen	Lindsay	Moore
	Byars	Dierks	Lynch	

The Pirsch motion to place LR 29CA on General File prevailed with 33 ayes, 2 nays, 6 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

MOTION - Reconsider Action on LR 29CA

Mr. Chambers moved to reconsider the vote on LR 29CA.

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

Messrs. Robinson, Wehrbein, and Mrs. Hudkins asked unanimous consent to be excused. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 868. Placed on General File as amended.
Standing Committee amendment to LB 868:
AM2835

1. On page 2, line 20, strike the first "or" and insert an underscored comma and after "written" insert ", or electronic".

(Signed) John Lindsay, Chairperson

Natural Resources

LEGISLATIVE RESOLUTION 284. Reported to the Legislature for further consideration.

LEGISLATIVE BILL 1017. Placed on General File.

LEGISLATIVE BILL 940. Placed on General File as amended.
Standing Committee amendment to LB 940:
AM2825

1. On page 2, strike lines 17 through 19 and insert:

"Nothing in this section shall be construed to require that the director comply with the Nongame and Endangered Species Conservation Act in approving or disapproving any such ground water management plan.".

LEGISLATIVE BILL 941. Placed on General File as amended.
Standing Committee amendment to LB 941:
AM2826

1. On page 2, line 21, strike "enhance" and insert "increase"; and in line 22 after the first "and" insert "the utilization of".

LEGISLATIVE BILL 962. Placed on General File as amended.
Standing Committee amendment to LB 962:
AM2827

1. On page 2, line 5, after "and" insert "water" and strike "that" and insert "which are designed and constructed to".

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Environmental Quality Council
Dwayne Smith
Galen E. Frenzen
Darlene Kiefer
Bill Podraza
Kathleen J. Wittler
Dave S. Sands
Richard W. Galyen
Spencer W. Morrissey

VOTE: Aye: Senators Beutler, Elmer, Bromm, Monen, Jones, McKenzie, and Preister. Absent: Senator Bohlke.

(Signed) Chris Beutler, Chairperson

ANNOUNCEMENT

The Transportation Committee designates LB 1061 as its priority bill.

NOTICE OF COMMITTEE HEARINGS

Natural Resources

LB 1002	Wednesday, February 2, 1994	1:30 p.m.
LB 1261	Wednesday, February 2, 1994	1:30 p.m.

(Signed) Chris Beutler, Chairperson

Urban Affairs

LB 1119	Tuesday, February 8, 1994	1:30 p.m.
LB 1221	Tuesday, February 22, 1994	1:30 p.m.
LB 1121	Tuesday, February 22, 1994 (Cancelled)	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

Government, Military and Veterans Affairs

LB 1252	Thursday, February 3, 1994 (Cancelled)	1:30 p.m.
LB 1075	Friday, February 4, 1994 (Cancelled)	1:30 p.m.
LB 1075	Thursday, February 3, 1994 (Reset)	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

Judiciary

LB 1051	Wednesday, February 2, 1994	1:30 p.m.
LB 1129	Wednesday, February 2, 1994	1:30 p.m.
LB 1140	Wednesday, February 2, 1994	1:30 p.m.
LB 1142	Wednesday, February 2, 1994	1:30 p.m.
LB 1182	Wednesday, February 2, 1994	1:30 p.m.
LB 1185	Wednesday, February 2, 1994	1:30 p.m.

(Signed) John Lindsay, Chairperson

Revenue

LB 1275	Wednesday, February 2, 1994	1:30 p.m.
LB 1227	Wednesday, February 2, 1994	1:30 p.m.
LB 1231	Wednesday, February 2, 1994	1:30 p.m.
LB 1257	Wednesday, February 2, 1994	1:30 p.m.
LB 1255	Wednesday, February 2, 1994	1:30 p.m.
LB 1113	Thursday, February 3, 1994	1:30 p.m.
LB 1242	Thursday, February 3, 1994	1:30 p.m.
LB 924	Thursday, February 3, 1994	1:30 p.m.
LB 910	Thursday, February 3, 1994	1:30 p.m.
LB 1112	Friday, February 4, 1994	1:30 p.m.
LB 1174	Friday, February 4, 1994	1:30 p.m.
LB 1087	Friday, February 4, 1994	1:30 p.m.
LB 931	Friday, February 4, 1994	1:30 p.m.
LB 1033	Friday, February 4, 1994	1:30 p.m.
LB 1237	Friday, February 4, 1994	1:30 p.m.
LB 1082	Friday, February 4, 1994	1:30 p.m.

(Signed) Jerome Warner, Chairperson

Health and Human Services

LB 900	Wednesday, February 2, 1994	1:30 p.m.
LB 1263	Wednesday, February 2, 1994	1:30 p.m.
LB 1210	Wednesday, February 2, 1994	1:30 p.m.
LB 1065	Wednesday, February 2, 1994	1:30 p.m.
LB 1016	Wednesday, February 2, 1994	1:30 p.m.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 663 in the Journal. No objections. So ordered.

AM2869

1 1. Strike the original section and all amendments

thereto and insert the following new section:

"Section 1. (1) For purposes of this section:

(a) McGruff House shall mean a house that has been designated as a temporary haven for school-age children by a McGruff House program; and

(b) McGruff House program shall mean a program organized by local law enforcement agencies and civic organizations to provide a temporary haven and sense of security to school-age children in emergency or threatening situations.

(2) A local law enforcement agency involved in establishing a McGruff House program may obtain criminal history record information maintained by the Nebraska State Patrol, the Identification Division of the Federal Bureau of Investigation, or any other law enforcement agency to investigate each person eighteen years of age or older residing in a house for which an application for designation as a McGruff House has been made.

(3)(a) All costs to the state associated with a criminal history record information check referred to in subsection (2) of this section utilizing criminal history record information maintained by the Identification Division of the Federal Bureau of Investigation shall be paid by the applicant for the McGruff House designation or by the McGruff House program sponsoring the applicant.

(b) There shall be no cost to the applicant for the McGruff House designation or to the McGruff House program sponsoring the applicant for a criminal history record information check referred to in subsection (2) of this section utilizing Nebraska criminal history record information when the request involves only the electronic transfer of data from Nebraska criminal history record information maintained by the Nebraska State Patrol to the local law enforcement agency requesting the check on the applicant.".

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 291 in the Journal. No objections. So ordered.

AM2857

(Amendments to E & R amendments, AM5615)

1. Insert the following new section:

"Sec. 3. That section 71-5009, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5009. The six mental health regional governing boards shall offer comprehensive community mental health, drug abuse, and alcoholism programs, services, and facilities. The boards shall provide funds for such community-based projects. Federal funding, private sources, third-party payments, and fees collected may be used as sources of necessary funds. ~~The~~

~~state shall provide seventy-five percent of the funds required to provide the services for each region, exclusive of federal funding, private sources, third party payments, and fees collected under the provisions of sections 71-5001 to 71-5014, except that no state funds shall be provided to support any program, serving a local municipal population of twenty thousand or less, which maintains an office or operates a program within a five mile radius of a state regional center when in the judgment of the director such office or program unnecessarily duplicates or fails to utilize facilities available at the state regional center. Local, county, and other tax generated sources shall account for twenty-five percent of the funds required prior to fiscal year 1988-89. Funds provided by the regional governing boards for mental health services shall continue to be provided in an amount which is not less than the total amount contributed as certified matching funds for the fiscal year 1987-88. For any state funds provided in excess of the state funds provided during fiscal year 1987-88, not less than forty percent of the local contribution shall be provided by local and county taxes and the remainder shall come from other nonfederal sources.~~ Each regional governing board shall provide one dollar for every three dollars provided from the General Fund. Of the amount provided by each regional governing board, not less than forty percent shall be provided by local and county taxes and the remainder shall come from other nonfederal sources. Funds provided by the regional governing boards for mental health and alcohol and drug abuse services shall continue to be provided in an amount which is not less than the total amount contributed as certified matching funds for the fiscal year 1994-95. The regional governing boards shall account for all sources and expenditure of funds for any agency receiving any state funds under the ~~provisions of sections 71-5001 to 71-5014~~ Nebraska Comprehensive Community Mental Health Services Act.".

2. On page 3, line 14, strike "and 71-5008" and insert ", 71-5008, and 71-5009".

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 277A in the Journal. No objections. So ordered.

AM2856

(Amendments to E & R amendments, AM5623)

1. On page 1, strike beginning with "carrying" in line 6 through "1994" in line 8 and insert "the establishment of a Scottsbluff parole office, two additional parole officers in the Omaha district, and additional secretarial support in the central office of the Office of Parole Administration".

Mr. Robinson asked unanimous consent to print the following amendment to LB 511 in the Journal. No objections. So ordered.

AM2875

(Amendments to Standing Committee amendments, AM0967)

1. On page 1, line 16; page 5, line 4; page 7, line 18; and page 10, line 10 strike "or enforce".

2. On page 2, after line 26; page 6, after line 11; page 8, after line 26; and page 11, after line 17 insert the following new subdivision:

"(d) Nothing in this subsection shall be deemed to supersede any valid city ordinance with respect to manufactured homes in effect before the effective date of this act.".

VISITOR

The Doctor of the Day was Dorothy Zink from Omaha.

ADJOURNMENT

At 11:59 a.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Thursday, January 27, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

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FIFTEENTH DAY - JANUARY 27, 1994

LEGISLATIVE JOURNAL

FIFTEENTH DAY - JANUARY 27, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 27, 1994

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

PRAYER

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

ROLL CALL

The roll was called and all members were present except Mrs. Crosby and Mr. Haberman who were excused; and Messrs. Abboud, Ashford, Bromm, Hall, Kristensen, Lindsay, Moore, Warner, Will, Withem, Mmes. Bohlke, McKenzie, Rasmussen, Robak, Mses. Day, and Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 889. Placed on General File as amended.
Standing Committee amendment to LB 889:
AM2845

1. On page 3, strike beginning with "property" in line 12 through line 14 and insert "the damage or loss incurred as a result of unauthorized use of property belonging to the state or any other person by such person committed to the department;".

LEGISLATIVE BILL 971. Placed on General File as amended.
Standing Committee amendment to LB 971:

AM2846

1. On page 5, line 1, after "which" insert "shall include, but not be limited to, revocation for (a) incompetence, (b) neglect of duty, and (c) physical, mental, or emotional incapacity. Such rules and regulations".

2. On page 6, line 18; page 8, line 7; and page 16, line 26 strike "may" and insert "shall".

3. On page 7, line 11, after the period insert "The representative chief of police or his or her designate from a city of the metropolitan or primary class city shall not be a regular member of the Nebraska Commission on Law Enforcement and Criminal Justice.".

4. On page 8, line 8, after "center" insert "with an effective date of January 1, 1995. The rules and regulations shall establish admission criteria which shall include, but not be limited to, (a) physical, mental, and emotional fitness and (b) disclosure of any criminal history. Upon adoption of the rules and regulations and the passage of their effective date the prior admission criteria shall be revoked" and after "may" insert "also".

5. On page 12, line 9, strike "eighteen" and insert "nineteen"; and in line 19 strike "five", show as stricken, and insert "six".

(Signed) DiAnna R. Schimek, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 883. Placed on General File.
LEGISLATIVE BILL 942. Placed on General File.
LEGISLATIVE BILL 980. Placed on General File.
LEGISLATIVE BILL 1015. Placed on General File.

LEGISLATIVE BILL 967. Placed on General File as amended.
Standing Committee amendment to LB 967:
AM2853

1. On page 3, line 20, strike "may" and insert "shall"; and in line 28 strike "twenty-five" and insert "fifty".

2. On page 9, line 4, strike "twenty-two dollars and fifty cents" and insert "twenty dollars".

(Signed) David Landis, Chairperson

MOTION - Approve Appointments

Mr. Beutler moved the adoption of the report of the Natural Resources Committee for the following Governor appointments found in the Journal on page 502: Dwayne Smith, Galen E. Frenzen, Darlene

Kiefer, Bill Podraza, Kathleen J. Wittler, Dave S. Sands, Richard W. Galyen, and Spencer W. Morrissey - Environmental Quality Council.

Voting in the affirmative, 26:

Avery	Engel	Jones	Pedersen	Vrtiska
Bernard-Stevens	Fisher	Landis	Pirsch	Wehrbein
Beutler	Hartnett	Lynch	Preister	Wesely
Byars	Hillman	Matzke	Robinson	Wickersham
Dierks	Hudkins	Monen	Schellpeper	Witek
	Janssen			

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Coordsen	Cudaback	Elmer	Schmitt

Excused and not voting, 18:

Abboud	Crosby	Kristensen	Rasmussen	Warner
Ashford	Day	Lindsay	Robak	Will
Bohlke	Haberman	McKenzie	Schimek	Withem
Bromm	Hall	Moore		

These appointments were confirmed with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 284. Read. Considered.

LR 284 was adopted with 25 ayes, 0 nays, and 24 not voting.

MOTION - Suspend Rules

Mr. Hartnett moved to suspend Rule 3, Sec. 13 to permit the cancellation of the hearing on LB 1191 scheduled on February 1, 1994, for the Urban Affairs Committee.

The Hartnett motion to suspend the rules prevailed with 30 ayes, 0 nays, 4 present and not voting, and 15 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Urban Affairs

LB 1191 Tuesday, February 1, 1994 (Cancelled) 1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

Natural Resources

LB 1122	Thursday, February 3, 1994	1:30 p.m.
LB 1288	Thursday, February 3, 1994	1:30 p.m.
LB 1031	Thursday, February 3, 1994	1:30 p.m.

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Member Excused

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

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 853, 854, 855, 856, 857, 858, and 859.

Enrollment and Review Change to LB 859

The following changes, required to be reported for publication in the Journal, have been made:
ER7402

1. On page 13, line 3, "subsections" has been struck, shown as stricken, and "subdivisions" inserted.

(Signed) Janis M. McKenzie, Chairperson

ANNOUNCEMENT

The Chair announced today is Senator Schellpeper's birthday.

GENERAL FILE

LEGISLATIVE RESOLUTION 2CA. Mr. Beutler withdrew his pending motion, found in the Journal on page 288, to indefinitely postpone.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Advanced to E & R for review with 31 ayes, 5 nays, 5 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 254. The Chambers pending amendment, FA325, found in the Journal on page 487, was renewed.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Kristensen requested a roll call vote, in reverse order, on the Chambers amendment.

Voting in the affirmative, 8:

Bernard-Stevens	Beutler	Chambers	Hall	Landis
Monen	Schimek	Wesely		

Voting in the negative, 34:

Abboud	Cudaback	Hillman	McKenzie	Schmitt
Ashford	Day	Hudkins	Moore	Vrtiska
Avery	Dierks	Janssen	Pedersen	Wehrbein
Bohlke	Elmer	Jones	Pirsch	Wickersham
Bromm	Engel	Kristensen	Preister	Witek
Byars	Fisher	Lynch	Robinson	Withem
Coordsen	Hartnett	Matzke	Schellpeper	

Absent and not voting, 2:

Lindsay Robak

Excused and not voting, 5:

Crosby Haberman Rasmussen Warner Will

The Chambers amendment lost with 8 ayes, 34 nays, 2 absent and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 901	Wednesday, February 9, 1994	1:30 p.m.
LB 939	Wednesday, February 9, 1994	1:30 p.m.
LB 879	Wednesday, February 9, 1994	1:30 p.m.
LB 880	Wednesday, February 9, 1994	1:30 p.m.
LB 1283	Thursday, February 10, 1994	1:00 p.m.
LB 1284	Thursday, February 10, 1994	1:00 p.m.
LB 984	Thursday, February 10, 1994	1:00 p.m.
LB 1229	Thursday, February 10, 1994	1:00 p.m.
LB 1144	Thursday, February 10, 1994	1:00 p.m.
LB 1160	Thursday, February 10, 1994	1:00 p.m.
LB 1190	Friday, February 11, 1994	1:30 p.m.
LB 1090	Friday, February 11, 1994	1:30 p.m.
LB 959	Friday, February 11, 1994	1:30 p.m.
LB 960	Friday, February 11, 1994	1:30 p.m.
LB 961	Friday, February 11, 1994	1:30 p.m.
LB 1154	Friday, February 11, 1994	1:30 p.m.

(Signed) Jerome Warner, Chairperson

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 943. Placed on General File.
LEGISLATIVE BILL 1059. Placed on General File.

LEGISLATIVE BILL 929. Placed on General File as amended.
Standing Committee amendment to LB 929:
AM2840

1. On page 2, line 19, after "collision" insert ", and shall report the collision, by telephone or otherwise, to the appropriate peace officer within twelve hours".

LEGISLATIVE BILL 1060. Placed on General File as amended.
Standing Committee amendment to LB 1060:
AM2873

1. Insert the following new section:
"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".
2. On page 2, line 6, strike "January 1", show as stricken, and insert "January 20".

LEGISLATIVE BILL 1061. Placed on General File as amended.
(Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2872.)

(Signed) Doug Kristensen, Chairperson

NOTICE OF COMMITTEE HEARINGS
Transportation

LB 1259	Tuesday, February 8, 1994	1:30 p.m.
LB 1054	Monday, February 14, 1994	1:30 p.m.
LB 1105	Monday, February 14, 1994	1:30 p.m.
LB 1155	Monday, February 14, 1994	1:30 p.m.
LB 1156	Monday, February 14, 1994	1:30 p.m.
LB 1157	Monday, February 14, 1994	1:30 p.m.
LB 1158	Monday, February 14, 1994	1:30 p.m.
LB 1317	Monday, February 14, 1994	1:30 p.m.
LB 1040	Tuesday, February 15, 1994	1:30 p.m.
LB 1102	Tuesday, February 15, 1994	1:30 p.m.
LB 1218	Tuesday, February 15, 1994	1:30 p.m.
LB 1121	Tuesday, February 15, 1994	1:30 p.m.
LB 1282	Tuesday, February 15, 1994	1:30 p.m.
LB 1081	Tuesday, February 22, 1994	1:30 p.m.
LB 1095	Tuesday, February 22, 1994	1:30 p.m.
LB 1099	Tuesday, February 22, 1994	1:30 p.m.
LB 1104	Tuesday, February 22, 1994	1:30 p.m.
LB 1205	Tuesday, February 22, 1994	1:30 p.m.
LB 1150	Monday, February 28, 1994	1:30 p.m.
LB 1189	Monday, February 28, 1994	1:30 p.m.
LB 1202	Monday, February 28, 1994	1:30 p.m.
LB 1260	Monday, February 28, 1994	1:30 p.m.

(Signed) Doug Kristensen, Chairperson

MESSAGE FROM THE GOVERNOR

January 27, 1994

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

Dear Madam President, Speaker Withem, and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Motor Vehicle Industry Licensing Board, requiring legislative approval.

APPOINTEE: Micheal O. Fleming

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 322 in the Journal. No objections. So ordered.

AM2784

(Amendments to E & R amendments, AM5625)

1. Insert the following new section:

"Sec. 10. Upon the request of the director of a using agency or the materiel division, an evaluation committee shall be formed to review the proposals submitted pursuant to a requisition submitted by the using agency for the purchase or lease of services. The evaluation committee shall consist of the director of the using agency which submitted the requisition or his or her designee, the Accounting Administrator, and the state purchasing representative assigned to the proposal. The evaluation committee shall review the proposals submitted and make a recommendation to the materiel division prior to the awarding of the contract for the purchase or lease.".

2. On page 1, lines 6 and 9, before the comma insert "and section 10 of this act".

3. On page 3, line 19; and page 5, line 22, strike "81-1118.03", show as stricken, and insert "81-1118.06 and section 10 of this act".

4. On page 14, line 1, before the comma insert "and section 10 of this act" and strike "11" and insert "12"; and in line 7 strike "10" and insert "11".

5. Renumber the remaining sections accordingly.

Mr. Moore asked unanimous consent to print the following amendment to LB 663 in the Journal. No objections. So ordered.

AM2885

1. Strike the original section and all amendments thereto and insert the following new section:

"Section 1. (1) For purposes of this section:

(a) McGruff House shall mean a house that has been designated as a temporary haven for school-age children by a

McGruff House program; and

(b) McGruff House program shall mean a program organized by local law enforcement agencies and civic organizations to provide a temporary haven and sense of security to school-age children in emergency or threatening situations.

(2) A local law enforcement agency involved in establishing a McGruff House program may obtain criminal history record information maintained by the Nebraska State Patrol or any other law enforcement agency to investigate each person eighteen years of age or older residing in a house for which an application for designation as a McGruff House has been made.

(3) There shall be no cost to the applicant for the McGruff House designation or to the McGruff House program sponsoring the applicant for a criminal history record information check referred to in subsection (2) of this section utilizing Nebraska criminal history record information when the request involves only the electronic transfer of data from Nebraska criminal history record information maintained by the Nebraska State Patrol to the local law enforcement agency requesting the check on the applicant.".

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 28 in the Journal. No objections. So ordered.

AM2877

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 60-1306, Revised Statutes Supplement, 1992, be amended to read as follows:

60-1306. The carrier enforcement officers shall have the power (1) of peace officers solely for the purpose of enforcing the laws relating to the trip permits provided for in section 66-492 and the Interstate Motor Carriers Base State Fuel Tax Compact Act and the laws relating to the size, weight, load, and registration of buses, motor trucks, truck-tractors, semitrailers, trailers, and towed vehicles, (2) when in uniform, to require the driver thereof to stop and exhibit his or her operator's license and registration issued for the vehicle and submit to an inspection of such vehicle, the plates, the registration thereon, and licenses and permits required under the motor fuel laws, ~~and~~ (3) to make arrests upon view and without warrant for any violation committed in their presence of the ~~laws~~ provisions of the Motor Vehicle Operator's License Act or of any other law regulating the operation of vehicles or the use of the highways while in the performance of their duties referred to in subdivisions (1) and (2) of this section and of sections 60-305.12, 60-1308,

60-1309, and 75-363 to 75-368, (4) to make arrests upon view and without warrant for any violation committed in their presence which is a misdemeanor or felony under the laws of this state while in the performance of their duties referred to in subdivisions (1) and (2) of this section and of sections 60-305.12, 60-1308, 60-1309, and 75-363 to 75-368, and (5) to make arrests on warrant for any violation which is a misdemeanor or felony under the laws of this state while in the performance of their duties referred to in subdivisions (1) and (2) of this section and of sections 60-305.12, 60-1308, 60-1309, and 75-363 to 75-368. Any funds used to arm carrier enforcement officers shall be paid solely from the Carrier Enforcement Cash Fund. The amount of funds shall be determined by the Superintendent of Law Enforcement and Public Safety.

Sec. 2. That original section 60-1306, Revised Statutes Supplement, 1992, is repealed.".

SELECT FILE

LEGISLATIVE BILL 254. Mr. Chambers offered the following amendment:

FA328

Amend (AM2284)

In second line 10, strike "adjacent"

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 6:

Bernard-Stevens	Chambers	Hall	Lindsay	Schimek	Will

Voting in the negative, 38:

Abboud	Byars	Engel	Jones	Moore
Ashford	Coordsen	Fisher	Kristensen	Pedersen
Avery	Cudaback	Hartnett	Landis	Pirsch
Beutler	Day	Hillman	Matzke	Rasmussen
Bohlke	Dierks	Hudkins	McKenzie	Robinson
Bromm	Elmer	Janssen	Monen	Schellpeper

Schmitt	Warner	Wesely	Witek	Withem
Vrtiska	Wehrbein	Wickersham		

Present and not voting, 2:

Lynch Preister

Excused and not voting, 3:

Crosby Haberman Robak

The Chambers amendment lost with 6 ayes, 38 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:
FA327
Amend (AM2284)
In second line 12, after "jurisdiction:" put a period and add, "Such attempt to apprehend shall not extend more than twenty-five miles beyond the territorial limits of the law enforcement officer's primary jurisdiction."

Pending.

MOTION - Suspend Rules

Mr. Withem moved to suspend the rules, Rule 6, Section 7(b) to permit consideration of LB 98A on Final Reading.

The Withem motion to suspend the rules prevailed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 98A. With Emergency.

A BILL FOR AN ACT relating to intergovernmental transfers; to amend section 23-3594.08, Revised Statutes Supplement, 1993; to change the date of a required transfer; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Coordsen	Hillman	McKenzie	Schimek
Ashford	Cudaback	Hudkins	Monen	Schmitt
Avery	Day	Janssen	Moore	Warner
Bernard-Stevens	Dierks	Jones	Pedersen	Wehrbein
Beutler	Elmer	Kristensen	Pirsch	Wesely
Bohlke	Engel	Landis	Preister	Wickersham
Bromm	Fisher	Lindsay	Rasmussen	Will
Byars	Hall	Lynch	Robak	Witek
Chambers	Hartnett	Matzke	Robinson	Withem

Voting in the negative, 0.

Present and not voting, 2:

Schellpeper Vrtiska

Excused and not voting, 2:

Crosby Haberman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 98A.

SELECT FILE

LEGISLATIVE BILL 760. Advanced to E & R for engrossment.

LEGISLATIVE BILL 337. E & R amendment, AM5616, found in the Journal on page 443, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 513. E & R amendment, AM5618, found in the Journal on page 443, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 513A. E & R amendment, AM5619, found in the Journal on page 444, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 488. E & R amendment, AM5620, found in the Journal on page 444, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 441. E & R amendment, AM5621, found in the Journal on page 465, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 202. Advanced to E & R for engrossment.

LEGISLATIVE BILL 461. E & R amendment, AM5626, found in the Journal on page 466, was adopted.

Advanced to E & R for engrossment.

NOTICE OF COMMITTEE HEARINGS

Judiciary

LB 1010	Thursday, February 3, 1994	1:30 p.m.
LB 1308	Thursday, February 3, 1994	1:30 p.m.
LB 1326	Thursday, February 3, 1994	1:30 p.m.
LB 1327	Thursday, February 3, 1994	1:30 p.m.
LB 1329	Thursday, February 3, 1994	1:30 p.m.
LB 1332	Thursday, February 3, 1994	1:30 p.m.
LB 1117	Friday, February 4, 1994	1:30 p.m.
LB 1248	Friday, February 4, 1994	1:30 p.m.
LB 1345	Friday, February 4, 1994	1:30 p.m.
LB 1346	Friday, February 4, 1994	1:30 p.m.
LB 1347	Friday, February 4, 1994	1:30 p.m.
LB 1348	Friday, February 4, 1994	1:30 p.m.

(Signed) John Lindsay, Chairperson

Health and Human Services

LB 1223	Thursday, February 3, 1994	1:30 p.m.
LB 1262	Thursday, February 3, 1994	1:30 p.m.
LB 1110	Thursday, February 3, 1994	1:30 p.m.
LB 1303	Friday, February 4, 1994	1:30 p.m.
LB 1264	Friday, February 4, 1994	1:30 p.m.
LB 1325	Friday, February 4, 1994	1:30 p.m.
LB 1212	Friday, February 4, 1994	1:30 p.m.

LB 1108	Wednesday, February 9, 1994	1:30 p.m.
LB 1064	Wednesday, February 9, 1994	1:30 p.m.
LB 1276	Wednesday, February 9, 1994	1:30 p.m.
LB 1285	Wednesday, February 9, 1994	1:30 p.m.
LB 1224 (Welfare Reform)	Thursday, February 10, 1994	1:30 p.m.
LB 1076	Thursday, February 10, 1994	1:30 p.m.
LB 1224 (Welfare Reform and Child Support)	Thursday, February 10, 1994	7:00 p.m.
LB 1224 (Child Support Provisions Only)	Friday, February 11, 1994	1:30 p.m.
LB 1200	Wednesday, February 16, 1994	1:30 p.m.
LB 1028	Wednesday, February 16, 1994	1:30 p.m.
LB 1296	Wednesday, February 16, 1994	1:30 p.m.
LB 1089	Wednesday, February 16, 1994	1:30 p.m.
LB 1136	Thursday, February 17, 1994	1:30 p.m.
LB 1177	Thursday, February 17, 1994	1:30 p.m.
LB 1137	Thursday, February 17, 1994	1:30 p.m.
LB 1149	Thursday, February 17, 1994	1:30 p.m.
LB 1178	Wednesday, February 23, 1994	1:30 p.m.
LB 1179	Wednesday, February 23, 1994	1:30 p.m.
LB 1180	Wednesday, February 23, 1994	1:30 p.m.
LB 1213	Wednesday, February 23, 1994	1:30 p.m.
LB 966	Thursday, February 24, 1994	1:30 p.m.
LB 973	Thursday, February 24, 1994	1:30 p.m.
LB 1077	Thursday, February 24, 1994	1:30 p.m.
LB 1352	Thursday, February 24, 1994	1:30 p.m.
LB 1232	Friday, February 25, 1994	1:30 p.m.
LB 1318	Friday, February 25, 1994	1:30 p.m.
LB 1265	Friday, February 25, 1994	1:30 p.m.

(Signed) Don Wesely, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 248, 248A, and 421.

Enrollment and Review Change to LB 248

The following changes, required to be reported for publication in the Journal, have been made:
ER7401

1. In lieu of the Haberman amendment, FA319, in the E & R amendment, AM5600:

a. On page 1, line 6, "the State of Nebraska" has been struck and "counties with a population of over one hundred thousand inhabitants" inserted; and

b. On page 2, line 9, "this state" has been struck and "any county with a population of over one hundred thousand inhabitants" inserted.

2. On page 1, line 3, "; and to provide a penalty" has been struck.

Enrollment and Review Change to LB 421

The following changes, required to be reported for publication in the Journal, have been made:
ER7400

1. In the Kristensen amendment, AM2626:

a. On page 4, line 7, "and" has been inserted after the comma;

b. On page 10, line 22, "Subdivision" has been struck and "Subdivisions" inserted; and

c. On page 12, line 11, "of this act" has been inserted after "33".

2. On page 1, the matter beginning with "adopt" in line 1 through "penalties" in line 2 has been struck and "amend section 86-334, Reissue Revised Statutes of Nebraska, 1943; to adopt the One-Call Notification System Act; to change a notification requirement relating to road projects; to provide penalties; to provide operative dates; to repeal the original section; and to declare an emergency" inserted.

LEGISLATIVE BILL 414. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5631.)

LEGISLATIVE BILL 594. Placed on Select File.

LEGISLATIVE BILL 407. Placed on Select File as amended.
E & R amendment to LB 407:
AM5628

1. On page 1, line 4, strike "from area to valuation".

LEGISLATIVE BILL 379. Placed on Select File as amended.
E & R amendment to LB 379:
AM5627

1. On page 1, strike beginning with "to" in line 2 through the semicolon in line 3.

2. On page 3, line 21, strike "act" and insert "section".

LEGISLATIVE BILL 322. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5625.)

LEGISLATIVE BILL 322A. Placed on Select File as amended.
E & R amendment to LB 322A:
AM5630

1. On page 1, line 3 and page 2, line 5, strike "First Session, 1993" and insert "Second Session, 1994".
2. On page 2, lines 2 and 8, strike "FY1993-94" and insert "FY1994-95"; and in lines 3 and 8 strike "FY1994-95" and insert "FY1995-96".

LEGISLATIVE BILL 490. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5629.)

LEGISLATIVE BILL 416. Placed on Select File.
LEGISLATIVE BILL 1019. Placed on Select File.
LEGISLATIVE BILL 1027. Placed on Select File.
LEGISLATIVE BILL 934. Placed on Select File.

(Signed) Janis McKenzie, Chairperson

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 988. Placed on General File.
LEGISLATIVE BILL 1029. Placed on General File.
LEGISLATIVE BILL 1106. Placed on General File.
LEGISLATIVE BILL 1116. Placed on General File.

(Signed) John Lindsay, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 979. Placed on General File.

(Signed) David Landis, Chairperson

Business and Labor

LEGISLATIVE BILL 913. Placed on General File.

(Signed) Chris Abboud, Chairperson

UNANIMOUS CONSENT - Withdraw Cointroducer

Mr. Jones asked unanimous consent to have his name withdrawn as cointroducer to LB 922. No objections. So ordered.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 26, 1994. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Johnston, Thomas S. - Lincoln	Nebraska Community College Association (Withdrawn 01/21/94)
Pappas, James E. - Lincoln	Robert A. Batt (Withdrawn 06/30/94)
Philburn, Ann - Lincoln	Nebraska Right to Life, Inc. (Withdrawn 06/30/94)
Sailors, Scott - Lincoln	Nebraska Association of County Officials (Withdrawn 01/10/94)
Vuchetich, Patrick - Lincoln	Nebraska Association of County Officials (Withdrawn 01/14/94)
Wagner, Connie - Lincoln	Licensed Practical Nurse Association of Nebraska
	Nebraska Health Care Association

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on Governor appointments.

Abramson, Alvin - Director, Department of Motor Vehicles -- Transportation

Curtis, Allen - Director, Comm. on Law Enforcement & Criminal Jus. -- Government, Military and Veterans Affairs

Fleming, Micheal O. - Motor Vehicle Industry Licensing Board -- Transportation

Gallardo, Manuel S. - Parole Board -- Judiciary

Jackson, Sharon D. - Board of Public Roads Classifications & Standards -- Transportation

(Signed) Timothy J. Hall, Chairperson
Legislative Council

Executive Board

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 1050	Wednesday, February 16, 1994	1:30 p.m.
LB 1246	Wednesday, February 16, 1994	1:30 p.m.
LB 1305	Wednesday, February 16, 1994	1:30 p.m.
LB 1175	Wednesday, February 16, 1994	1:30 p.m.
LB 1301	Thursday, February 17, 1994	1:30 p.m.
LB 1316	Thursday, February 17, 1994	1:30 p.m.
LB 1280	Thursday, February 17, 1994	1:30 p.m.
LB 1281	Thursday, February 17, 1994	1:30 p.m.
LB 1151	Thursday, February 17, 1994	1:30 p.m.
LB 1159	Wednesday, February 23, 1994	1:30 p.m.
LB 983	Wednesday, February 23, 1994	1:30 p.m.
LB 937	Wednesday, February 23, 1994	1:30 p.m.

(Signed) Jerome Warner, Chairperson

Agriculture

LB 1274	Tuesday, February 8, 1994	1:30 p.m.
LB 1335	Tuesday, February 8, 1994	1:30 p.m.
LB 935	Tuesday, February 15, 1994	1:00 p.m.
LB 1230	Tuesday, February 15, 1994	1:00 p.m.

(Signed) Merton L. Dierks, Chairperson

Natural Resources

LB 1300	Friday, February 4, 1994	1:30 p.m.
LB 1267	Friday, February 4, 1994	1:30 p.m.
LB 1034	Friday, February 4, 1994	1:30 p.m.

(Signed) Chris Beutler, Chairperson

VISITORS

Visitors to the Chamber were Mr. Min, Mr. Choi, Mr. Chang, and Mr. Kim from Korea; and eight students and teachers from Sidney Public Schools.

ADJOURNMENT

At 11:59 a.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Tuesday, February 1, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTEENTH DAY - FEBRUARY 1, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 1, 1994

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Allen Buresh, Our Savior's Lutheran Church, Wymore, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Kristensen who was excused; and Messrs. Abboud, Avery, Coordsen, Elmer, Landis, Moore, Warner, Will, Mses. Day, and Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifteenth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on January 27, 1994, at 12:10 p.m., was the following bill: 98A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MESSAGE FROM THE GOVERNOR

January 27, 1994

Patrick J. O'Donnell
Clerk of the Legislature

State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 98A was received in my office on January 27, 1994.

This bill was signed by me on January 27, 1994, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

UNANIMOUS CONSENT - Withdraw Cointroducer

Mr. Elmer asked unanimous consent to have his name withdrawn as cointroducer to LB 922. No objections. So ordered.

ANNOUNCEMENTS

Mr. Lynch designates LB 665 as his priority bill.

Mr. Beutler designates LB 1003 as his priority bill.

Mrs. Hillman designates LB 1337 as her priority bill.

The General Affairs Committee designates LB 694 as its priority bill.

REPORT

Received area summaries from the Department of Labor for the state, Omaha, Lincoln, and nonmetropolitan areas on employment and unemployment rates.

MESSAGES FROM THE GOVERNOR

January 27, 1994

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

Dear Madam President, Speaker Withem, and Senators:

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

APPOINTEE: Raymond J. Hajek

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

January 28, 1994

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

Dear Madam President, Speaker Withem, and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Crime Victims Reparations Committee, requiring legislative approval.

APPOINTEE: Catherine A. Walters

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 987. Placed on Select File.

LEGISLATIVE BILL 608. Placed on Select File as amended.
E & R amendment to LB 608:
AM5632

1. On page 1, line 6, strike "and" and in line 7 after "sections" insert "; and to declare an emergency".
2. On page 2, line 8, strike "As used in", show as stricken, and insert "For purposes of".
3. On page 4, line 10, strike "same" and after "limitations" insert "provided in this section".

LEGISLATIVE BILL 608A. Placed on Select File as amended.
E & R amendment to LB 608A:

AM5633

1. On page 1, line 3, and page 2, line 4, strike "First Session, 1993" and insert "Second Session, 1994".

2. On page 2, line 2, strike "FY1992-93" and insert "FY1993-94".

LEGISLATIVE BILL 211. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5634.)

LEGISLATIVE BILL 211A. Placed on Select File as amended.
E & R amendment to LB 211A:
AM5643

1. On page 1, line 3; and page 2, line 5, strike "First Session, 1993" and insert "Second Session, 1994".

2. On page 2, line 2, strike "FY1993-94" and insert "FY1994-95"; and in line 3 strike "FY1994-95" and insert "FY1995-96".

LEGISLATIVE BILL 436. Placed on Select File as amended.
E & R amendment to LB 436:
AM5635

1. Because of the amendment of sections 83-465 and 83-469 by Laws 1993, LB 31, sections 40 and 42, respectively, strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 43-281, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-281. Following an adjudication of jurisdiction and prior to final disposition, the court may place the juvenile for evaluation in either a ~~any~~ facility or an institution ~~for evaluation~~ under the control of the State of Nebraska, except an adult penal institution as provided in section 43-258, or in a community facility or institution.

Sec. 2. That section 83-465, Revised Statutes Supplement, 1993, be amended to read as follows:

83-465. When a juvenile of sane mind, twelve years of age or older but under the age of eighteen years, has been found guilty of any crime except murder or manslaughter in any court of record in this state, the court may order that the juvenile be committed to the Youth Development Center-Kearney or the Youth Development Center-Geneva. Prior to such commitment, the court shall require an evaluation pursuant to section 43-258 or 43-281. A copy of the order under the seal of the court shall be sufficient warrant for delivering the juvenile to the center and committing him or her to the custody of the superintendent.

Sec. 3. That section 83-469, Revised Statutes Supplement, 1993, be amended to read as follows:

83-469. Either the party to whom the order provided for in section 83-467 was addressed or a guardian ad litem shall be present at the hearing, at which time the judge shall make a voluntary examination of the juvenile and hear the testimony in relation to the case that is produced. Prior to a commitment to the youth development center, the court shall require an evaluation pursuant to section 43-258 or 43-281. If the judge finds that the juvenile should be committed to the Youth Development Center-Kearney or the Youth Development Center-Geneva, then the judge shall issue a warrant of commitment.

Sec. 4. That original section 43-281, Reissue Revised Statutes of Nebraska, 1943, and sections 83-465 and 83-469, Revised Statutes Supplement, 1993, are repealed.".

2. On page 1, strike beginning with "sections" in line 1 through line 2 and insert "section 43-281, Reissue Revised Statutes of Nebraska, 1943, and sections 83-465 and 83-469, Revised Statutes Supplement, 1993; to".

LEGISLATIVE BILL 398. Placed on Select File.

LEGISLATIVE BILL 611. Placed on Select File as amended.
E & R amendment to LB 611:
AM5636

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 8-101, Revised Statutes Supplement, 1993, be amended to read as follows:

8-101. ~~As used in~~ For purposes of sections 8-101 to 8-1,129 and section 2 of this act, unless the context otherwise requires:

(1) Capital or capital stock shall mean capital stock;

(2) Department shall mean the Department of Banking and Finance;

(3) Director shall mean the Director of Banking and Finance;

(4) Bank or banking corporation shall be construed to mean any incorporated banking institution which shall have been incorporated under the laws of this state as they existed prior to May 9, 1933, and any corporation duly organized under the laws of this state for the purpose of conducting a bank within this state under sections 8-101 to 8-1,129 and section 2 of this act. Bank shall be construed to mean any such banking institution as shall be, in addition to the exercise of other powers, following the practice of repaying deposits upon check, draft, or order and of making loans;

(5) Order shall include orders transmitted by electronic transmission;

(6) Automatic teller machine shall mean a machine established and located off the premises of a financial institution which has a main chartered office or approved branch office located in the State of Nebraska, whether attended or unattended, which utilizes electronic, sound, or mechanical signals or impulses, or any combination thereof, and from which electronic funds transfers may be initiated. An unattended automatic teller machine shall not be deemed to be an office operated by a financial institution;

(7) Data processing center shall mean a facility, wherever located, at which electronic impulses or other indicia of a transaction originating at an automatic teller machine or point-of-sale terminal are received and either authorized or routed to a switch or other data processing center in order to enable the automatic teller machine or point-of-sale terminal to perform any function for which it is designed;

(8) Point-of-sale terminal shall mean an information processing terminal which utilizes electronic, sound, or mechanical signals or impulses, or any combination thereof, which are transmitted to a financial institution or which are recorded for later transmission to effectuate electronic funds transfer transactions for the purchase or payment of goods and services and which are initiated by an access device in conjunction with a personal identification number. A point-of-sale terminal shall not be deemed to be an office operated by a financial institution. Any terminal owned or operated by a seller of goods and services shall be connected directly or indirectly to an acquiring financial institution;

(9) Making loans shall include advances or credits that are initiated by means of credit card or other transaction card. Transaction card and other transactions, including transactions made pursuant to prior agreements, may be brought about and transmitted by means of an electronic impulse. Such loan transactions including transactions made pursuant to prior agreements shall be subject to sections 8-815 to 8-829 and shall be deemed loans made at the place of business of the financial institution;

(10) Financial institution shall mean a bank, savings bank, building and loan association, savings and loan association, industrial loan and investment company, credit union, or other institution offering automatic teller machines;

(11) Financial institution employees shall include parent holding company and affiliate employees;

(12) Switch shall mean any facility where electronic impulses or other indicia of a transaction originating at an automatic teller machine or point-of-sale terminal are received and are routed and transmitted to a financial

institution, data processing center, or other switch, wherever located. A switch may also be a data processing center;

(13) Impulse shall mean an electronic, sound, or mechanical impulse, or any combination thereof;

(14) Insolvent shall mean a condition in which (a) the actual cash market value of the assets of a bank is insufficient to pay its liabilities to its depositors, (b) a bank is unable to meet the demands of its creditors in the usual and customary manner, (c) a bank, after demand in writing by the director, fails to make good any deficiency in its reserves as required by law, or (d) the stockholders of a bank, after written demand by the director, fail to make good an impairment of its capital or surplus; and

(15) Foreign state agency shall mean any duly constituted regulatory or supervisory agency which has authority over financial institutions and which is created under the laws of any other state, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, or the Virgin Islands or which is operating under the code of law for the District of Columbia.

Sec. 2. (1) No bank shall extend credit to any of its executive officers, directors, or principal shareholders or to any related interest of such persons in an amount that, when aggregated with the amount of all other extensions of credit by the bank to that person and to all related interests of that person, exceeds the higher of twenty-five thousand dollars or five percent of the bank's unimpaired capital and unimpaired surplus unless (a) the extension of credit has been approved in advance by a majority vote of the entire board of directors of the bank, a record of which shall be made and kept as a part of the records of such bank, and (b) the interested party has abstained from participating directly or indirectly in such vote.

(2) No bank shall extend credit to any of its executive officers, directors, or principal shareholders or to any related interest of such persons in an amount that, when aggregated with the amount of all other extensions of credit by the bank to that person and to all related interests of that person, exceeds five hundred thousand dollars except by complying with the requirements of subdivisions (1)(a) and (b) of this section.

(3) No bank shall extend credit to any of its executive officers licensed pursuant to section 8-139, and no such executive officer shall borrow from or otherwise become indebted to his or her bank, except in the amounts and for the purposes set forth in subsection (4) of this section.

(4) A bank shall be authorized to extend credit to any of its executive officers licensed pursuant to section 8-139:

(a) In any amount to finance the education of such executive officer's children;

(b) In any amount to finance the purchase, construction, maintenance, or improvement of a residence of such executive officer if the extension of credit is secured by a first lien on the residence and the residence is owned or is expected to be owned after the extension of credit by the executive officer; or

(c) For any other purpose not specified in subdivisions (a) and (b) of this subsection if the aggregate amount of such other extensions of credit to such executive officer does not exceed, at any one time, the greater of two and one-half percent of the bank's unimpaired capital and unimpaired surplus or twenty-five thousand dollars, but in no event greater than one hundred thousand dollars or the amount of the bank's lending limit as prescribed in section 8-141, whichever is less.

(5) Any executive officer licensed pursuant to section 8-139 who becomes indebted to any other financial institution or institutions shall, by the next regularly scheduled meeting of the board of directors, make a written report to the board of directors of the bank of which he or she is an executive officer stating the date and amount of such loan or indebtedness, the security therefor, and the purpose for which the proceeds have been or are to be used.

(6) No bank shall extend credit to any of its executive officers, directors, or principal shareholders or to any related interest of such persons in an amount that, when aggregated with the amount of all other extensions of credit by the bank to that person and to all related interests of that person, exceeds the lending limit of the bank as prescribed in section 8-141 or 12 U.S.C. 84, whichever is less.

(7) For purposes of this section:

(a) Executive officer shall mean a person who participates or has authority to participate, other than in the capacity of director, in the major policymaking functions of the bank, whether or not the officer has an official title, the title designates such officer as an assistant, or such officer is serving without salary or other compensation. Executive officer shall include the chairperson of the board of directors, the president, all vice presidents, the cashier, the corporate secretary, and the treasurer, unless the executive officer is excluded by a resolution of the board of directors or by the bylaws of the bank from participating, other than in the capacity of director, in the major policymaking functions of the bank, and the executive officer does not actually participate in such functions. A manager or assistant manager of a branch of a bank shall not be

considered to be an executive officer unless such individual participates or is authorized to participate in the major policymaking functions of the bank; and

(b) Unimpaired capital and unimpaired surplus shall mean the sum of:

(i) The total equity capital of the bank reported on its most recent consolidated report of condition filed under section 8-166;

(ii) Any subordinated notes and debentures approved as an addition to the bank's capital structure by the appropriate federal banking agency; and

(iii) Any valuation reserves created by charges to the bank's income reported on its most recent consolidated report of condition filed under section 8-166.

(8) Any executive officer, director, or principal shareholder of a bank or any other person who intentionally violates this section or who aids, abets, or assists in a violation of this section shall be guilty of a Class IV felony.

(9) The Director of Banking and Finance shall have authority to adopt and promulgate rules and regulations to implement this section, including rules or regulations defining or further defining terms used in this section, consistent with the provisions of 12 U.S.C. 84 and implementing Regulation O.

Sec. 3. That section 8-144, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

8-144. Any officer or employee of any bank who shall willfully and knowingly violate any of the provisions of sections ~~8-140~~ 8-141 to 8-143 and section 2 of this act shall be liable under his or her bond for any loss to the bank resulting therefrom.

Sec. 4. That original section 8-144, Reissue Revised Statutes of Nebraska, 1943, and section 8-101, Revised Statutes Supplement, 1993, and also section 8-140, Revised Statutes Supplement, 1993, are repealed.".

2. On page 1, line 2, after "1943" insert ", and section 8-101, Revised Statutes Supplement, 1993"; in line 4 after the semicolon insert "to define terms; to provide a penalty; to provide powers for the Director of Banking and Finance; to harmonize provisions;" and strike "section" and insert "sections"; and in line 5 strike "Reissue Revised Statutes of Nebraska" and insert "Revised Statutes Supplement".

LEGISLATIVE BILL 451. Placed on Select File.

LEGISLATIVE BILL 241. Placed on Select File as amended.
E & R amendment to LB 241:

AM5637

1. Because of the amendment of section 80-401.01 by Laws 1993, LB 2, section 1, strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 80-401.01, Revised Statutes Supplement, 1993, be amended to read as follows:

80-401.01. For purposes of sections 80-401 to 80-412, unless the context otherwise requires:

(1) A recognized veterans organization shall mean a veterans organization that (a) is recognized by the United States Department of Veterans Affairs, (b) has a presence in each of this state's congressional districts, and (c) maintains a state headquarters sanctioned by its national organization. Recognized veterans organizations shall be the American Legion, American Ex-Prisoners of War, Disabled American Veterans, Military Order of the Purple Heart, Paralyzed Veterans of America, Veterans of Foreign Wars of the United States, and the Vietnam Veterans of America; ~~has been chartered by the Congress of the United States, which maintains a fully staffed state headquarters, and which, at the time an appointment is to be made, has enrolled in its membership in Nebraska at least ten percent of the World War I, World War II, Korean War, and Vietnam War veterans eligible therefor, except that the Disabled American Veterans organization shall have enrolled in its membership in Nebraska at least ten percent of those Nebraska veterans receiving service-connected compensation from the United States Department of Veterans Affairs. The recognized veterans organizations shall be the American Legion, Disabled American Veterans, Paralyzed Veterans of America, and Veterans of Foreign Wars of the United States;~~

(2) Veteran of the Spanish-American War shall mean a person who served on active duty in the armed forces of the United States between April 21, 1898, and July 4, 1902, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war;

(3) Veteran of World War I shall mean a person who served on active duty in the armed forces of the United States between April 6, 1917, and November 11, 1918, and who has received an honorable discharge, or its equivalent, from such service or who, being a resident of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war;

(4) Veteran of World War II shall mean a person who served on active duty in the armed forces of the United States

between December 7, 1941, and December 31, 1946, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(5) Veteran of the Korean War shall mean a person who served on active duty in the armed forces of the United States between June 25, 1950, and January 31, 1955, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(6) Veteran of the Vietnam War shall mean a person who served on active duty in the armed forces of the United States between August 5, 1964, and May 7, 1975, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(7) Veteran of Lebanon shall mean a person who served on active duty in the armed forces of the United States between August 25, 1982, and February 26, 1984, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(8) Veteran of Grenada shall mean a person who served on active duty in the armed forces of the United States between October 23, 1983, and November 23, 1983, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(9) Veteran of Panama shall mean a person who served on active duty in the armed forces of the United States between December 20, 1989, and January 31, 1990, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the

military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(10) Veteran of the Persian Gulf War shall mean a person who served on active duty in the armed forces of the United States beginning on August 2, 1990, and ending on the date thereafter prescribed by presidential proclamation or by law, and who received an honorable discharge, or its equivalent, from such service or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war and who received an honorable discharge, or its equivalent, from such service;

(11) Active duty shall mean full-time duty in the armed forces other than active duty for training; and

(12) Active duty for training shall mean full-time duty in the armed forces performed by reserves for training purposes.

Sec. 2. That original section 80-401.01, Revised Statutes Supplement, 1993, is repealed.".

2. On page 1, line 2, strike "1992" and insert "1993".

LEGISLATIVE BILL 358. Placed on Select File as amended.
E & R amendment to LB 358:
AM5638

1. On page 1, line 3, strike "and" and after "appeal" insert "; and to declare an emergency".

LEGISLATIVE BILL 424. Placed on Select File as amended.
E & R amendment to LB 424:
AM5641

1. Because of the amendment of section 60-106 by Laws 1993, LB 112, section 6, Laws 1993, LB 340, section 2, Laws 1993, LB 346, section 2, Laws 1993, LB 575, section 37, and Laws 1993, LB 841, section 1, strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 60-106, Revised Statutes Supplement, 1993, be amended to read as follows:

60-106. (1)(a) The Department of Motor Vehicles in conjunction with the Department of Administrative Services and the counties shall develop an implementation plan to provide for adequate planning preceding a mandate for the implementation of the vehicle titling and registration component system of the statewide county automation project. The implementation plan shall include installation costs, training, and any other costs associated with the project.

(b) The Department of Motor Vehicles shall submit

the implementation plan on or before December 1, 1993, to the Governor and the Clerk of the Legislature. Each member of the Legislature shall receive a copy of such report by making a request for it to the Director of Motor Vehicles or the Director of Administrative Services.

(c) Each county shall issue and file certificates of title using the vehicle titling and registration computer system prescribed by the Department of Motor Vehicles by January 1, 1996.

(2)(a) Application for a certificate of title shall be made upon a form prescribed by the Department of Motor Vehicles and shall be sworn to before a notary public or other officer empowered to administer oaths. All applications shall be accompanied by the fee prescribed in section 60-115.

(b) All applications for a certificate of title to a mobile home as defined in subdivision (2) of section 60-614 shall be accompanied by a mobile home transfer statement prescribed by the Tax Commissioner. The mobile home transfer statement shall be filed by the applicant with the county clerk of the county of application for title. The county clerk shall issue a certificate of title to a mobile home but shall not deliver the certificate of title unless the mobile home transfer statement accompanies the application for title, except that the failure to provide the mobile home transfer statement shall not prevent the notation of a lien on the face of the certificate of title to the mobile home pursuant to section 60-110 and delivery to the holder of the first lien. The mobile home transfer statement and the information contained in the statement shall be confidential and only available to tax officials.

(3)(a) If the motor vehicle has tax situs in Nebraska, the application shall be filed with the county clerk of the county in which the vehicle has tax situs as defined in section 77-1238.

(b) If the applicant is a nonresident, the application shall be filed in the county in which the transaction is consummated.

(c) All applicants registering a vehicle pursuant to section 60-305.09 shall file the application for title to the vehicle with the Department of Motor Vehicles. The department shall deliver the certificate to the applicant if there are no liens on the vehicle. If there are any liens on the vehicle, the department shall deliver or mail the certificate of title to the holder of the first lien on the day of issuance. All certificates of title issued by the department shall be issued in the manner prescribed for the county clerk in section 60-107.

(4) If a certificate of title has previously been issued for the motor vehicle in this state, the application

for a new certificate of title shall be accompanied by the certificate of title duly assigned unless otherwise provided for in sections 60-102 to 60-117. If a certificate of title has not previously been issued for the motor vehicle in this state or if a certificate of title is unavailable pursuant to subsection (4) of section 52-1801, the application, unless otherwise provided for in sections 60-102 to 60-117, shall be accompanied by a manufacturer's or importer's certificate, as provided for in such sections, a duly certified copy thereof, a certificate of title, a court order issued by a court of record, a manufacturer's certificate of origin, or an assigned registration certificate, if the law of the state from which the motor vehicle was brought into this state does not have a certificate of title law. The county clerk shall retain the evidence of title presented by the applicant and on which the certificate of title is issued.

(5) The county clerk shall use reasonable diligence in ascertaining whether or not the statements in the application for a certificate of title are true by checking the application and documents accompanying the same with the records of motor vehicles in his or her office. If he or she is satisfied that the applicant is the owner of such motor vehicle and that the application is in the proper form, the county clerk shall issue a certificate of title over his or her signature and sealed with his or her seal.

(6) In the case of the sale of a motor vehicle, the certificate of title shall be obtained in the name of the purchaser upon application signed by the purchaser, except that (a) for titles to be held by husband and wife, applications may be accepted upon the signature of either one as a signature for himself or herself and as agent for his or her spouse and (b) for an applicant providing proof that he or she is a handicapped or disabled person as defined in section 18-1738, applications may be accepted upon the signature of the applicant's parent, legal guardian, foster parent, or agent.

(7) In all cases of transfers of motor vehicles, commercial trailers, semitrailers, or cabin trailers, the application for a certificate of title shall be filed within thirty days after the delivery of such vehicle or trailer. A licensed dealer need not apply for certificates of title for motor vehicles, commercial trailers, semitrailers, or cabin trailers in stock or acquired for stock purposes, but upon transfer of such vehicle or trailer in stock or acquired for stock purposes, the licensed dealer shall give the transferee a reassignment of the certificate of title on such vehicle or trailer or an assignment of a manufacturer's or importer's certificate. If all reassignments on the certificate of title have been used, the licensed dealer shall obtain title in his

or her name prior to any subsequent transfer.

(8) An application for a certificate of title shall include a statement that an identification inspection has been conducted on the vehicle unless (a) the title sought is a salvage certificate of title as defined in section 60-129 or a nontransferable certificate of title provided for in section 60-131, (b) the surrendered ownership document is a Nebraska certificate of title, a manufacturer's statement of origin, an importer's statement of origin, a United States Government Certificate of Release of a motor vehicle, or a nontransferable certificate of title issued under section 60-131, (c) the application for a certificate of title contains a statement that such vehicle is to be registered under section 60-305.09, ~~or~~ (d) the vehicle is a cabin trailer, (e) the title sought is the first title for a motor vehicle sold directly by the manufacturer of the motor vehicle to a licensed dealer franchised by the manufacturer, or (f) the vehicle was sold at an auction authorized by the manufacturer and purchased by a licensed dealer franchised by the manufacturer of the motor vehicle. The Department of Motor Vehicles shall prescribe a form to be executed by a dealer and submitted with an application for a certificate of title for vehicles exempt from inspection pursuant to subdivision (8)(e) or (f) of this section, which form shall clearly identify the vehicle and state under penalty of law that the vehicle is exempt from inspection. The statement that an identification inspection has been conducted shall be furnished by the county sheriff of ~~the~~ any county ~~in which application is made~~ or by any other holder of a current certificate of training issued pursuant to section 60-121 and shall be in a format as determined by the ~~Department of Motor Vehicles~~ department. The county clerk ~~may~~ shall accept a certificate of inspection, approved by the Superintendent of Law Enforcement and Public Safety, from an officer of a state police agency of another state. For each inspection a fee of ten dollars shall be paid to the county treasurer. All such fees shall be credited to the county sheriff's vehicle inspection account within the county general fund. The identification inspection required by this subsection shall include examination and notation of the current odometer reading and a comparison of the vehicle identification number with the number listed on the ownership records, except that if a lien is registered against a vehicle and recorded on the vehicle's ownership records, the county clerk shall provide a copy of the ownership records for use in making such comparison. If such numbers are not identical or if there is reason to believe further inspection is necessary, the person performing the inspection shall make a further inspection of the vehicle which may include, but shall not be limited to,

examination of other identifying numbers placed on the vehicle by the manufacturer and an inquiry into the numbering system used by the state issuing such ownership records to determine ownership of a vehicle. The identification inspection shall also include a statement that the vehicle identification number has been checked for entry in the National Crime Information Center and the Nebraska Crime Information Service. If there is cause to believe that odometer fraud exists, written notification shall be given to the office of the Attorney General. If after such inspection the sheriff or his or her designee determines that the vehicle is not the vehicle described by the ownership records, no statement shall be issued. In the case of an assembled vehicle such inspection shall include, but not be limited to, an examination of the records showing the date of receipt and source of each major component part as defined in section 60-2601.

(9) If a county board consolidates services under the office of a designated county official other than the county clerk pursuant to section 23-186:

(a) Applications under subsections (2) and (3) of this section shall be submitted to the designated county official;

(b) The designated county official shall perform the duties imposed on the county clerk under subsections (2) and (5) of this section;

(c) The designated county official may accept certificates of inspection under the conditions described in subsection (8) of this section; and

(d) The designated county official shall act as office of record for title documents, applications, odometer statements, certificates of inspections, and lien and cancellation of lien notations.

Sec. 2. That original section 60-106, Revised Statutes Supplement, 1993, is repealed.".

2. On page 1, strike beginning with "motor" in line 1 through line 7 and insert "vehicle titling and inspection; to amend section 60-106, Revised Statutes Supplement, 1993; to provide exemptions from vehicle inspections as prescribed; to change provisions relating to vehicle inspection statements; and to repeal the original section.".

LEGISLATIVE BILL 630. Placed on Select File as amended.
E & R amendment to LB 630:
AM5645

1. Because of the amendment of section 19-929 by Laws 1993, LB 207, section 3, and Laws 1993, LB 209, section 1, strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) For purposes of this section,

municipality shall mean any city of the first or second class or village which elects members of its governing board by districts.

(2) Any municipality which annexes territory and thereby brings sufficient new residents into such municipality so as to require that election districts be redrawn to maintain substantial population equality between districts shall redistrict its election districts so that such districts are substantially equal in population within one hundred and eighty days after the effective date of the ordinance annexing the territory. Such redistricting shall create election districts which are substantially equal in population as determined by the most recent federal decennial census.

(3) No municipality which proposes to annex territory and thereby bring new residents into the municipality shall annex such territory unless the redistricting required by subsection (2) of this section will be accomplished at least eighty days prior to the next primary election in which candidates for the governing body of the municipality are nominated.

(4)(a) No city of the first or second class shall annex any territory during the period from eighty days prior to any primary election in which candidates for the governing body of the city are nominated until the date of the general election of the same year if such annexation would bring sufficient new residents into such city so as to require that election districts be redrawn to maintain substantial population equality between districts.

(b) No village shall annex any territory during the period eighty days prior to the election at which members of the governing body of the village are chosen until the date of such election if such annexation would bring sufficient new residents into such village so as to require that election districts be redrawn to maintain substantial population equality between districts.

(5)(a) No proposed annexation by a municipality shall be restricted or governed by this section unless such annexation would bring sufficient new residents into such municipality so as to require the election districts of the municipality to be redrawn to maintain substantial population equality between districts.

(b) Nothing in this section shall be construed to require a municipality to redraw the boundaries of its election districts following an annexation unless such annexation brought sufficient new residents into such municipality so as to require such redistricting to maintain substantial population equality between districts.

(c) For the purposes of this section only, a municipal annexation shall be held to have brought sufficient

new residents into such municipality so as to require that its election districts be redrawn to maintain substantial population equality between districts if, following such annexation, the total range of deviation from the mean population of each election district, according to the most recent federal decennial census, exceeds ten percent.

Sec. 2. That section 16-404, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-404. All ordinances and resolutions or orders for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of all members elected to the council. The mayor may vote on any such matter when his or her vote will provide the additional vote required to create a number of votes equal to a majority of the number of members elected to the council, and the mayor shall, for the purpose of such vote, be deemed to be a member of the council.

Ordinances of a general or permanent nature shall be read by title on three different days unless three-fourths of the council members vote to suspend this requirement, except that in a city having a commission form of government such requirement may be suspended by a three-fifths majority vote. Regardless of the form of government, such requirement shall not be suspended for any ordinance for the annexation of territory. In case such requirement is suspended, ~~such~~ the ordinances shall be read by title or number and then moved for final passage. Three-fourths of the council members may require a reading of any such ordinance in full before enactment under either procedure set out in this section, except that in a city having a commission form of government such reading may be required by a three-fifths majority vote.

Ordinances shall contain no subject which is not clearly expressed in the title. Except ~~, and, except~~ as provided in section 19-915, no ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended and the ordinance or section so amended ~~shall be~~ is repealed, except that for an ordinance revising all the ordinances of the city, the only title necessary shall be An ordinance of the city of ....., revising all the ordinances of the city. Under such title all the ordinances may be revised in sections and chapters or otherwise, may be ~~and~~ corrected, added to, and any part suppressed, and may be repealed with or without a saving clause as to the whole or any part without other title.

Sec. 3. That section 17-614, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-614. All ordinances and resolutions~~,~~ or orders for the appropriation or payment of money~~,~~ shall require for their passage or adoption the concurrence of a majority of all

members elected to the council or board of trustees. Ordinances of a general or permanent nature shall be read by title on three different days unless three-fourths of the council vote to suspend this requirement, except that such requirement shall not be suspended for any ordinance for the annexation of territory. In case such requirement ~~shall be~~ is suspended, ~~such~~ the ordinances shall be read by title and then moved for final passage. Three-fourths of the council may require a reading of any such ordinance in full before enactment under either procedure set out in this section.

Ordinances shall contain no subject which ~~shall~~ is not ~~be~~ clearly expressed in the title. Except ~~, and, except~~ as provided in section 19-915, no ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended~~,~~ and the ordinance or section so amended ~~shall be~~ is repealed, except that ~~; PROVIDED,~~ for an ordinance revising all the ordinances of the city or village, the title need only state that the ordinance revises all the ordinances of the city or village. Under such title all the ordinances may be revised in sections and chapters~~,~~ or otherwise, ~~and~~ may be corrected, added to, and any part suppressed, and may be repealed with or without a saving clause as to the whole or any part~~,~~ without other title.

Sec. 4. That section 19-903, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-903. The regulations and restrictions authorized by sections 19-901 to 19-915 shall be ~~made~~ in accordance with a comprehensive development plan which shall consist of both graphic and textual material and shall be designed to accommodate anticipated long-range future growth which shall be based upon documented population and economic projections. When next amended after January 1, 1995, the ~~The~~ comprehensive development plan shall, among other possible elements, include:

(1) A land-use element which designates the proposed general distributions, general location, and extent of the uses of land for agriculture, housing, commerce, industry, recreation, education, public buildings and lands, and other categories of public and private use of land;

(2) The general location, character, and extent of existing and proposed major roads, streets, and highways, and air and other transportation routes and facilities; ~~and~~

(3) The general location, type, capacity, and area served of present and projected or needed community facilities including recreation facilities, schools, libraries, other public buildings, and public utilities and services; and

(4)(a) An identification of sanitary and improvement districts, subdivisions, industrial tracts, commercial tracts,

and other discrete developed areas which are or in the future may be appropriate subjects for annexation and (b) a general review of the standards and qualifications that should be met to enable the municipality to undertake annexation of such areas. Failure of the plan to identify subjects for annexation or to set out standards or qualifications for annexation shall not serve as the basis for any challenge to the validity of an annexation ordinance.

Regulations shall be designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to secure safety from flood; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to protect property against blight and depreciation; to protect the tax base; to secure economy in governmental expenditures; and to preserve, protect, and enhance historic buildings, places, and districts.

Such regulations shall be made with reasonable consideration, among other things, ~~of~~ for the character of the district and its peculiar suitability for particular uses~~,~~ and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

Sec. 5. That section 19-929, Revised Statutes Supplement, 1993, be amended to read as follows:

19-929. (1) Except as provided in sections 19-930 to 19-933, the planning commission shall (a) make and adopt plans for the physical development of the municipality, including any areas outside its boundaries which~~,~~ in the commission's judgment~~,~~ bear relation to the planning of such municipality~~,~~ and including a comprehensive development plan as defined by section 19-903, (b) prepare and adopt such implemental means as a capital improvement program, subdivision regulations, building codes, and a zoning ordinance in cooperation with other interested municipal departments, and (c) consult with and advise public officials and agencies, public utilities, civic organizations, educational institutions, and citizens with relation to the promulgation and implementation of the comprehensive development plan and its implemental programs. The commission may delegate authority to any such group to conduct studies and make surveys for the commission, make preliminary reports on its findings, and hold public hearings before submitting its final reports. The municipal governing body shall not ~~hold its public meetings or~~ take final action on matters relating to the comprehensive development plan, capital improvements, building codes, subdivision development, the

annexation of territory, or zoning until it has received the recommendation of the planning commission if such commission in fact has been created and is existent. The governing body shall by ordinance set a reasonable time within which the recommendation from the planning commission is to be received. A recommendation from the planning commission shall not be required for subdivision of existing lots and blocks whenever all required public improvements have been installed, no new dedication of public rights-of-way or easements is involved, and such subdivision complies with the ordinance requirements concerning minimum areas and dimensions of such lots and blocks, if the governing body has designated, by ordinance, an agent pursuant to section 19-916.

(2) The commission may, with the consent of the governing body, in its own name (a) make and enter into contracts with public or private bodies, (b) receive contributions, bequests, gifts, or grant funds from public or private sources, (c) expend the funds appropriated to it by the municipality, (d) employ agents and employees, and (e) acquire, hold, and dispose of property.

The commission may on its own authority make arrangements consistent with its program, conduct or sponsor special studies or planning work for any public body or appropriate agency, receive grants, remuneration, or reimbursement for such studies or work, and at its public hearings, summon witnesses, administer oaths, and compel the giving of testimony.

(3) The commission may grant conditional uses or special exceptions to property owners for the use of their property if the municipal governing body has, through a zoning ordinance or special ordinance, generally authorized the commission to exercise such powers and has approved the standards and procedures adopted by the commission for equitably and judiciously granting such conditional uses or special exceptions. The granting of a conditional use permit or special exception shall only allow property owners to put their property to a special use if it is among those uses specifically identified in the zoning ordinance as classifications of uses which may require special conditions or requirements to be met by the owners before a use permit or building permit is authorized. The power to grant conditional uses or special exceptions shall be the exclusive authority of the commission, except that the municipal governing body may choose to retain for itself the power to grant conditional uses or special exceptions for those classifications of uses specified in the zoning ordinance. The municipal governing body may exercise such power if it has formally adopted standards and procedures for granting such conditional uses or special exceptions in a manner that is equitable and will

promote the public interest.

Sec. 6. That original sections 16-404, 17-614, and 19-903, Reissue Revised Statutes of Nebraska, 1943, and section 19-929, Revised Statutes Supplement, 1993, are repealed.".

2. On page 1, line 2, after the first comma insert "and" and strike "and 19-929,"; in line 3 after "1943" insert ", and section 19-929, Revised Statutes Supplement, 1993" and strike "a term" and insert "terms"; and in line 4 after "for" insert "certain".

LEGISLATIVE BILL 819. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5639.)

LEGISLATIVE BILL 681. Placed on Select File.

LEGISLATIVE BILL 132. Placed on Select File as amended.
E & R amendment to LB 132:
AM5642

1. Because of the amendment of section 37-101 by Laws 1993, LB 121, section 201, and Laws 1993, LB 830, section 6, and section 37-201 by Laws 1993, LB 235, section 3, strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 37-101, Revised Statutes Supplement, 1993, be amended to read as follows:

37-101. For purposes of the Game Law, unless the context otherwise requires:

(1) Captive propagation shall mean to hold live raptors in a controlled environment that is intensively manipulated by humans for the purpose of producing raptors of selected species and that has boundaries designed to prevent raptors, eggs, or gametes of the selected species from entering or leaving the controlled environment;

(2) Commercial exploitation shall mean buying, selling, or bartering for economic or financial gain by any person, partnership, limited liability company, association, or corporation;

(3) Commission shall mean the Game and Parks Commission;

(4) Ecologic harm shall mean significant loss, disadvantage, or injury to the relationships between organisms and their environment;

(5) Economic harm shall mean significant loss, disadvantage, or injury to personal or material resources;

(6) Falconry shall mean the sport of taking quarry by means of a trained raptor;

(7) Fur harvesting shall mean taking or attempting

to take any fur-bearing animal by any means as prescribed by rules and regulations of the commission;

(8) Fur-bearing animals shall mean all beaver, martens, ~~minks except mutation minks,~~ muskrats, raccoons, opossums, ~~and~~ otters, bobcats, red foxes, gray foxes, badgers, long-tailed weasels, Canada lynx, skunks, and minks except mutation minks;

(9) Game shall mean all game fish, bullfrogs, snapping turtles, tiger salamanders, mussels, crows, game animals, fur-bearing animals, game birds, and all other birds and creatures protected by the Game Law;

(10) Game animals shall mean all antelope, cottontail rabbits, deer, elk, mountain sheep, ~~and~~ squirrels, mountain lions, moose, and bears;

(11) Game birds shall mean coots, cranes, curlew, doves, ducks, geese, grouse, partridges, pheasants, plovers, prairie chickens, quail, rails, snipes, swans, woodcocks, wild turkeys, and all migratory waterfowl;

(12) Game fish shall mean all fish except buffalo, carp, gar, quillback, sucker, and gizzard shad;

(13) Hunt shall mean to take, pursue, shoot, kill, capture, collect, or attempt to take, pursue, shoot, capture, collect, or kill;

(14) Officer shall mean every person authorized to enforce the Game Law;

(15) Person, owner, proprietor, grantee, lessee, and licensee shall mean and include individuals, partnerships, limited liability companies, associations, corporations, and municipalities;

(16) Raptor shall mean any bird of the Falconiformes or Strigiformes, except the golden and bald eagles;

(17) Raw fur shall mean the green pelts of any fur-bearing animal except commercially reared mutations;

(18) Trapping shall mean to take or attempt to take any fur-bearing animal by any snare, steel-jawed spring trap, or box trap; and

(19) Upland game birds shall mean all species and subspecies of quail, partridges, pheasants, wild turkeys, and grouse, including prairie chickens, on which an open season is in effect.

Sec. 2. That section 37-201, Revised Statutes Supplement, 1993, be amended to read as follows:

37-201. For the purpose of supplying revenue for the propagation, importation, distribution, protection, and conservation of the wildlife of this state, including all wild animals, birds, fish, and all things pertaining thereto, every person sixteen years of age or older who hunts for game animals or game birds or takes bullfrogs or any other species defined as game or who angles for fish and every person

sixteen years of age or older who engages in fur harvesting shall first pay a fee established by the commission pursuant to section 81-814.02 and obtain a permit except (1) the owner or his or her invitee who angles for fish in any body of water (a) which is entirely upon privately owned land, (b) which is entirely privately stocked, (c) which does not connect by inflow or outflow with other water outside such land, and (d) which is not operated on a commercial basis for profit and (2) any paraplegic who angles for fish in his or her privately owned body of water if he or she does not operate such body of water on a commercial basis for profit.

Any bona fide farmer or rancher as defined in section 37-215.03 who actually resides on a portion of such farm or ranch land, together with members of his or her immediate family also residing on such land, may hunt, take, and possess, within duly established season bag and possession limits, upland game and all game except migratory waterfowl, shore birds, deer, antelope, and wild turkey without paying a fee and without obtaining a hunting permit as required in this section and section 37-213 or a habitat stamp as required in sections 37-216.01 to 37-216.09. For purposes of this exemption, immediate family shall mean and be limited to husband and wife and their children and upland game shall mean and be limited to cottontail rabbits, squirrels, grouse, partridges, pheasants, prairie chickens, and quail. Such exemption shall only apply to hunting done on land owned or leased by the bona fide farmer or rancher and shall not apply when hunting on the lands of other persons. The commission may by rule and regulation require a farmer or rancher hunting under the provisions of this section to sign a statement presented by a conservation officer which states that such farmer or rancher is a bona fide farmer or rancher as defined in section 37-215.03 of the land upon which he or she is hunting.

A violation of this section shall be a Class IV misdemeanor.

Any farmer or rancher owning or operating a farm or ranch may destroy or have destroyed any predator, including raccoon, ~~and~~ opossum, coyote, bobcat, red fox, gray fox, badger, long-tailed weasel, bear, and skunk, preying on livestock or poultry or causing other agricultural depredation on lands owned or controlled by him or her without a permit issued by the commission.

Sec. 3. That original sections 37-101 and 37-201, Revised Statutes Supplement, 1993, are repealed.".

2. On page 1, strike beginning with "section" in line 1 through line 3 and insert "sections 37-101 and 37-201, Revised Statutes Supplement, 1993; to redefine terms; to classify certain animals as predators; and to repeal the

original sections.".

LEGISLATIVE BILL 188. Placed on Select File.

LEGISLATIVE BILL 695. Placed on Select File as amended.
E & R amendment to LB 695:
AM5644

1. In the Standing Committee amendment, AM1130, on page 2, line 11, strike "Any" and insert "A".

2. On page 1, strike beginning with "class" in line 1 through line 4 and insert "and second classes and villages; to amend section 16-207 and 17-555, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to regulation of streets and sidewalks; to authorize removal of dead or diseased trees; and to repeal the original sections.".

3. On page 2, line 3, strike the commas; and in line 19 strike "is" and insert "are".

LEGISLATIVE BILL 642. Placed on Select File as amended.
E & R amendment to LB 642:
AM5640

1. Strike the original sections and all amendments thereto and insert the following new section:

"Section 1. (1) For purposes of this section:

(a) Ground lease coupled with improvements shall mean a lease for a parcel of land on which one to four residential dwelling units have been constructed;

(b) Purchaser shall mean a person who acquires, attempts to acquire, or succeeds to an interest in land;

(c) Residential real property shall mean real property on which no fewer than one or more than four dwelling units are located; and

(d) Seller shall mean an owner of real property who sells or attempts to sell, including lease with option to purchase, residential real property, whether an individual, partnership, limited liability company, corporation, or trust. A sale of a residential dwelling which is subject to a ground lease coupled with improvements shall be a sale of residential real property for purposes of this subdivision.

(2) On and after January 1, 1995, each seller of residential real property located in Nebraska shall provide the purchaser with a written disclosure statement of the real property's condition. The disclosure statement shall be executed by the seller. The requirements of this section shall also apply to a sale of improvements which contain residential real property when the improvements are sold coupled with a ground lease and to any lease with the option to purchase residential real property.

(3) The disclosure statement shall include language

at the beginning which states:

(a) That the statement is being completed and delivered in accordance with Nebraska law;

(b) That Nebraska law requires the seller to complete the statement;

(c) The real property's address and legal description;

(d) That the statement is a disclosure of the real property's condition as known by the seller on the date of disclosure;

(e) That the statement is not a warranty of any kind by the seller or any agent representing a principal in the transaction;

(f) That the statement should not be accepted as a substitute for any inspection or warranty that the purchaser may wish to obtain;

(g) That even though the information provided in the statement is not a warranty, the purchaser may rely on the information in deciding whether and on what terms to purchase the real property;

(h) That any agent representing a principal in the transaction may provide a copy of the statement to any other person in connection with any actual or possible sale of the real property; and

(i) That the information provided in the statement is the representation of the seller and not the representation of any agent and that the information is not intended to be part of any contract between the seller and purchaser.

(4) In addition to the requirements of subsection (3) of this section, the disclosure statement shall disclose the condition of the real property and any improvements on the real property, including:

(a) The condition of all appliances that are included in the sale and whether the appliances are in working condition;

(b) The condition of the electrical system;

(c) The condition of the heating and cooling systems;

(d) The condition of the water system;

(e) The condition of the sewer system;

(f) The condition of all improvements on the real property and any defects that materially affect the value of the real property or improvements;

(g) Any hazardous conditions, including substances, materials, and products on the real property which may be an environmental hazard;

(h) Any title conditions which affect the real property, including encroachments, easements, and zoning restrictions; and

(i) The utility connections and whether they are public, private, or community.

(5) The disclosure statement shall be completed to the best of the seller's belief and knowledge as of the date the disclosure statement is completed and signed by the seller. If any information required by the disclosure statement is unknown to the seller, the seller may indicate that fact on the disclosure statement and the seller shall be in compliance with this section.

(6) This section shall not apply to a transfer:

(a) Pursuant to a court order, a foreclosure sale, or a sale by a trustee under a power of sale in a deed of trust;

(b) By a trustee in bankruptcy;

(c) To a mortgagee by a mortgagor or successor in interest or to a beneficiary of a deed of trust by a trustor or successor in interest;

(d) By a mortgagee, a beneficiary under a deed of trust, or a seller under a land contract who has acquired the real property at a sale conducted pursuant to a power of sale under a deed of trust, at a sale pursuant to a court-ordered foreclosure, or by a deed in lieu of foreclosure;

(e) By a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust except when the fiduciary is also the occupant or was an occupant of one of the dwelling units being sold;

(f) From one co-owner to one or more other co-owners;

(g) Made to a spouse or to a person or persons in the lineal line of consanguinity of one or more of the transferors;

(h) Between spouses resulting from a decree of dissolution of marriage or a decree of legal separation or from a property settlement agreement incidental to such a decree;

(i) Pursuant to a merger, consolidation, sale, or transfer of assets of a corporation pursuant to a plan of merger or consolidation filed with the Secretary of State; or

(j) To or from any governmental entity.

(7) The disclosure statement shall be delivered by the seller to the purchaser or the agent of the purchaser on or before the effective date of any contract entered into on or after January 1, 1995, which binds the purchaser to purchase the real property, and the purchaser shall acknowledge in writing receipt of the disclosure statement.

(8) The seller shall not be liable under this section for any error, inaccuracy, or omission of any information in a disclosure statement if the error,

inaccuracy, or omission was not within the personal knowledge of the seller.

(9) A person representing a principal in the transaction shall not be liable under this section for any error, inaccuracy, or omission of any information in a disclosure statement unless that person has knowledge of the error, inaccuracy, or omission on the part of the seller.

(10) A transfer of an interest in real property subject to this section may not be invalidated solely because of the failure of any person to comply with this section.

(11) If a conveyance of real property is not made in compliance with this section, the purchaser shall have a cause of action against the seller and may recover the actual damages, court costs, and reasonable attorney's fees. The cause of action created by this section shall be in addition to any other cause of action that the purchaser may have. Any action to recover damages under the cause of action shall be commenced within two years after the purchaser takes possession or the conveyance of the real property, whichever occurs first.

(12) The State Real Estate Commission shall adopt and promulgate rules and regulations to carry out this section.".

2. On page 1, line 4, after the second semicolon insert "and"; and in line 5 strike "; and to provide an operative date".

LEGISLATIVE BILL 642A. Placed on Select File as amended.
E & R amendment to LB 642A:
AM5646

1. On page 1, line 3; and page 2, lines 4 and 5, strike "First Session, 1993" and insert "Second Session, 1994".

2. On page 2, line 2, strike "FY1993-94" and insert "FY1994-95".

LEGISLATIVE BILL 286. Placed on Select File as amended.
E & R amendment to LB 286:
AM5648

1. On page 1, strike beginning with "48-624" in line 1 through line 3 and insert "48-669, Reissue Revised Statutes of Nebraska, 1943, and sections 48-624 and 48-628, Revised Statutes Supplement, 1992; to change the weekly benefit amount; to require cancellation of wage credits for certain misconduct; to eliminate a provision on applicability of legislative changes; to provide an operative date; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE RESOLUTION 2CA. Placed on Select File as amended.
E & R amendment to LR 2CA:
AM5647
1. On page 1, line 4, strike "FIRST" and insert "SECOND".

Correctly Engrossed

The following bills were correctly engrossed: 337, 381, 501, and 760.

Enrollment and Review Change to LB 501

The following changes, required to be reported for publication in the Journal, have been made:
ER7403
1. On page 1, line 2, "31-733," has been inserted after the first comma.

(Signed) Janis M. McKenzie, Chairperson

NOTICE OF COMMITTEE HEARINGS
Education

LB 1290	Tuesday, February 8, 1994	1:30 p.m
LB 1138	Tuesday, February 8, 1994	1:30 p.m
LB 1181	Tuesday, February 8, 1994	1:30 p.m
LB 1247	Tuesday, February 8, 1994	1:30 p.m
LB 1295	Tuesday, February 8, 1994	1:30 p.m
LB 1310	Tuesday, February 8, 1994	1:30 p.m
LB 1123	Tuesday, February 8, 1994	1:30 p.m
LB 1206	Monday, February 14, 1994	1:30 p.m.
LB 1217	Monday, February 14, 1994	1:30 p.m.
LB 1249	Monday, February 14, 1994	1:30 p.m.
LB 1234	Monday, February 14, 1994	1:30 p.m.
LB 1037	Monday, February 14, 1994	1:30 p.m.
LB 1146	Monday, February 14, 1994	1:30 p.m.
LB 1314	Tuesday, February 15, 1994	1:30 p.m.
LB 1163	Tuesday, February 15, 1994	1:30 p.m.
LB 1228	Tuesday, February 15, 1994	1:30 p.m.
LB 1258	Tuesday, February 15, 1994	1:30 p.m.
LB 1312	Tuesday, February 15, 1994	1:30 p.m.
LB 1340	Tuesday, February 15, 1994	1:30 p.m.
LB 1256	Tuesday, February 15, 1994	1:30 p.m.
LB 1161	Tuesday, February 22, 1994	1:30 p.m.
LB 998	Tuesday, February 22, 1994	1:30 p.m.

LB 999	Tuesday, February 22, 1994	1:30 p.m.
LB 863	Tuesday, February 22, 1994	1:30 p.m.
LB 1269	Tuesday, February 22, 1994	1:30 p.m.
LB 1266	Tuesday, February 22, 1994	1:30 p.m.
LB 1166	Tuesday, February 22, 1994	1:30 p.m.

(Signed) Ardyce Bohlke, Chairperson

Health and Human Services

Governor Appointment Thursday, February 17, 1994 1:30 p.m.
Henry Balters - Board of Health

(Signed) Don Wesely, Chairperson

Banking, Commerce and Insurance

LB 956	Tuesday, February 8, 1994	1:30 p.m.
LB 1118	Tuesday, February 8, 1994	1:30 p.m.
LB 1183	Tuesday, February 8, 1994	1:30 p.m.
LB 1222	Tuesday, February 8, 1994	1:30 p.m.

(Signed) David Landis, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 284.

GENERAL FILE

LEGISLATIVE BILL 988. Title read. Considered.

Messrs. Lindsay and Bernard-Stevens offered the following amendment: AM2864

1. Strike original sections 4 and 18 and insert the following new sections:

"Sec. 4. That section 28-1204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1204. (1) Any person under the age of eighteen years who possesses ~~pistol, revolver, or any other form of short-barreled hand~~ a firearm commits the offense of unlawful possession of a ~~revolver~~ firearm.

(2) ~~The provisions of this~~ This section shall not apply to any person under the age of eighteen years who is: ~~the issuance of such firearms to members~~

(a) A member of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps, when on duty or training;

(b) In attendance at a hunter's safety course or a firearm safety course;

(c) Engaging in practice in the use of a firearm or target shooting with qualified adult supervision at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited;

(d) Engaging in an organized competition involving the use of a firearm or participating in or practicing for a performance by any nonprofit organization, holding a certificate of exemption under section 501(c)(3) of the federal Internal Revenue Code, which uses firearms as a part of such performance;

(e) Hunting or trapping pursuant to a valid license issued to such person pursuant to the Game Law;

(f) Traveling with any firearm in such person's possession which is unloaded to or from any activity described in subdivision (b), (c), (d), or (e) of this subsection. For purposes of this subdivision, a firearm is unloaded if:

(i) There is not a cartridge in the chamber of the firearm;

(ii) There is not a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(iii) The firearm and the ammunition for such firearm are not carried on the person of a person under the age of eighteen years or are not in such close proximity to such person that he or she could readily gain access to the firearm and the ammunition and load the firearm;

(g) On real property controlled by another with their permission and has the permission of such person's parent or legal guardian to possess a firearm if the parent or legal guardian is not prohibited by law from possessing a firearm; or

(h) At such person's residence and who has the permission of such person's parent or legal guardian to possess a firearm. ~~, or to the temporary loan of pistols, revolvers, or any other form of short-barreled firearms for instruction under the immediate supervision of a parent or guardian or adult instructor.~~

(3) Unlawful possession of a ~~revolver~~ firearm is a Class ~~III~~ I misdemeanor.

Sec. 19. Juveniles adjudicated as adults and sentenced to the Department of Correctional Services may be transferred by the Director of Correctional Services to the Office of Juvenile Services for placement in a secure confinement facility. Such juveniles (1) shall receive good time, parole reviews, and hearings conducted by the Board of Parole and all other privileges and rights afforded inmates confined in adult correctional facilities of the department,

and (2) shall be transferred to an adult correctional facility of the department on or before their nineteenth birthday to complete the remainder of their court-imposed sentence.".

2. On page 5, line 10, strike "Through probate" and insert "From a person related to such juvenile within the second degree of consanguinity or affinity".

3. On page 15, line 17, and page 16, lines 11 and 12, strike "in or near a city of the metropolitan class".

4. On page 16, line 7, after the period insert "All costs incurred during the period the juvenile is in the custody of the Department of Correctional Services shall be the responsibility of the state."; and in line 23 strike "are" and insert "is".

5. Renumber the remaining sections accordingly.

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

Mr. Ashford offered the following amendment to the Lindsay-Bernard-Stevens pending amendment:
FA329
Amend AM2864
Strike sections (g) and (h)

Mr. Ashford asked unanimous consent to replace his pending amendment, FA329, with a substitute amendment. No objections. So ordered.

Mr. Ashford withdrew his pending amendment, FA329.

Mr. Ashford offered the following substitute amendment to the Lindsay-Bernard-Stevens pending amendment:
FA330
Amend AM2864 as follows:
On Pg. 2 line 21 after the word "firearm" strike "if the parent or legal guardian is not prohibited by law from possessing a firearm" and insert "if such possession is for any of the purposes of sub-sections (a) through (f).
On Pg. 2 line 26 after the word "firearm" insert "if such possession is for any of the purposes of subsections (a) through (f)

The Ashford amendment was adopted with 27 ayes, 2 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Chambers requested a division of the question on the Lindsay-Bernard-Stevens pending amendment, AM2864, as amended.

The Chair sustained the division of the question.

The first Lindsay-Bernard-Stevens amendment is as follows:

FA332

Sec. 19. Juveniles adjudicated as adults and sentenced to the Department of Correctional Services may be transferred by the Director of Correctional Services to the Office of Juvenile Services for placement in a secure confinement facility. Such juveniles (1) shall receive good time, parole reviews, and hearings conducted by the Board of Parole and all other privileges and rights afforded inmates confined in adult correctional facilities of the department, and (2) shall be transferred to an adult correctional facility of the department on or before their nineteenth birthday to complete the remainder of their court-imposed sentence.".

MR. HALL PRESIDING

SPEAKER WITHEM PRESIDING

The first Lindsay-Bernard-Stevens amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

The second Lindsay-Bernard-Stevens amendment is as follows:
FA335

4. On page 16, line 7, after the period insert "All costs incurred during the period the juvenile is in the custody of the Department of Correctional Services shall be the responsibility of the state."; and in line 23 strike "are" and insert "is".

5. Renumber the remaining sections accordingly.

The second Lindsay-Bernard-Stevens amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

The third Lindsay-Bernard-Stevens amendment is as follows:
FA331

1. Strike original sections 4 and 18 and insert the following new sections:

"Sec. 4. That section 28-1204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1204. (1) Any person under the age of eighteen years who possesses ~~pistol, revolver, or any other form of short-barreled hand~~ a firearm commits the offense of unlawful possession of a ~~revolver~~ firearm.

(2) ~~The provisions of this~~ This section shall not apply to any person under the age of eighteen years who is: ~~the issuance of such firearms to members~~

(a) A member of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps, when on duty or training;

(b) In attendance at a hunter's safety course or a

firearm safety course;

(c) Engaging in practice in the use of a firearm or target shooting with qualified adult supervision at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited;

(d) Engaging in an organized competition involving the use of a firearm or participating in or practicing for a performance by any nonprofit organization, holding a certificate of exemption under section 501(c)(3) of the federal Internal Revenue Code, which uses firearms as a part of such performance;

(e) Hunting or trapping pursuant to a valid license issued to such person pursuant to the Game Law;

(f) Traveling with any firearm in such person's possession which is unloaded to or from any activity described in subdivision (b), (c), (d), or (e) of this subsection. For purposes of this subdivision, a firearm is unloaded if:

(i) There is not a cartridge in the chamber of the firearm;

(ii) There is not a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(iii) The firearm and the ammunition for such firearm are not carried on the person of a person under the age of eighteen years or are not in such close proximity to such person that he or she could readily gain access to the firearm and the ammunition and load the firearm;

(g) On real property controlled by another with their permission and has the permission of such person's parent or legal guardian to possess a firearm if the parent or legal guardian is not prohibited by law from possessing a firearm; or

(h) At such person's residence and who has the permission of such person's parent or legal guardian to possess a firearm. ~~, or to the temporary loan of pistols, revolvers, or any other form of short-barreled firearms for instruction under the immediate supervision of a parent or guardian or adult instructor.~~

(3) Unlawful possession of a ~~revolver~~ firearm is a Class ~~III~~ I misdemeanor.

Pending.

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 1216 Tuesday, February 8, 1994 1:30 p.m.

Tuesday, February 8, 1994, Room 1520 1:30 p.m.
Agency 51 - University of Nebraska
Agency 50 - Nebraska State Colleges
Agency 47 - Educational Telecommunications Commission
Agency 83 - Community College System

Wednesday, February 9, 1994, Room 1003 1:30 p.m.
Agency 13 - Department of Education
Agency 32 - Educational Lands & Funds
Agency 69 - Nebraska Arts Council
Agency 85 - Public Employees Retirement Systems

Thursday, February 10, 1994, Room 1003 1:30 p.m.
Agency 03 - Legislative Council
Agency 09 - Secretary of State
Agency 16 - Department of Revenue
Agency 39 - Nebraska Brand Committee
Agency 65 - Department of Administrative Services

Friday, February 11, 1994, Room 1003 1:30 p.m.
Agency 24 - Department of Motor Vehicles
Agency 27 - Department of Roads
Agency 70 - Foster Care Review Board

(Signed) Scott Moore, Chairperson

General Affairs

LB 1153	Monday, February 14, 1994	1:30 p.m.
LB 1353	Monday, February 14, 1994	1:30 p.m.
LB 1354	Monday, February 14, 1994	1:30 p.m.
LB 1355	Monday, February 14, 1994	1:30 p.m.
LR 293CA	Monday, February 14, 1994	1:30 p.m.
LR 302CA	Monday, February 14, 1994	1:30 p.m.
LR 303CA	Monday, February 14, 1994	1:30 p.m.

(Signed) Stan Schellpeper, Chairperson

Revenue

LB 1239	Friday, February 25, 1994	1:30 p.m.
LB 1336	Friday, February 25, 1994	1:30 p.m.
LB 1251	Friday, February 25, 1994	1:30 p.m.
LB 1111	Friday, February 25, 1994	1:30 p.m.
LR 285CA	Friday, February 25, 1994	1:30 p.m.

(Signed) Jerome Warner, Chairperson

ANNOUNCEMENT

Mrs. Pirsch designates LR 29CA as her priority resolution.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1004A. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1993, LB 541, sections 21 and 22; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1004, Ninety-third Legislature, Second Session, 1994; to reduce appropriations; to state intent; and to repeal the original sections.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 202, 441, 461, 488, 513, and 513A.

(Signed) Janis McKenzie, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Rasmussen asked unanimous consent to print the following amendment to LB 660 in the Journal. No objections. So ordered.

AM2883

1. Strike original section 1 and insert the following new section:

"Section 1. That sections 71-6901 to 71-6909, Revised Statutes Supplement, 1992, are repealed.".

Mr. Beutler asked unanimous consent to print the following amendment to LB 681 in the Journal. No objections. So ordered.

AM2889

1. On page 2, line 2, strike "or acquire" and insert ", lease, or acquire for consideration".

GENERAL FILE

LEGISLATIVE BILL 988. The third Lindsay-Bernard-Stevens pending amendment, FA331, found in this day's Journal, was renewed.

Mr. Chambers offered the following amendment to the Lindsay-Bernard-Stevens pending amendment:
FA336
Amend FA331
Page 1, line 6, after "years", insert, "who is not married, divorced, emancipated or a parent".

Mr. Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 8:

Ashford	Chambers	Lynch	Schimek	Withem
Beutler	Hall	Preister		

Voting in the negative, 35:

Abboud	Crosby	Haberman	McKenzie	Schmitt
Avery	Cudaback	Hillman	Monen	Vrtiska
Bernard-Stevens	Day	Hudkins	Moore	Wehrbein
Bohlke	Dierks	Janssen	Pedersen	Wesely
Bromm	Elmer	Jones	Pirsch	Wickersham
Byars	Engel	Lindsay	Robinson	Will
Coordsen	Fisher	Matzke	Schellpeper	Witek

Present and not voting, 2:

Hartnett Rasmussen

Absent and not voting, 1:

Robak

Excused and not voting, 3:

Kristensen Landis Warner

The Chambers amendment lost with 8 ayes, 35 nays, 2 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mmes. McKenzie, Bohlke, and Ms. Day asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schellpeper offered the following amendment to the Lindsay-Bernard-Stevens pending amendment:
FA337
Amend FA331
Page 2 - line 21 - add after legal guardian ("who is at least 19 years of age or older.")
Page 2 - line 25 - after legal guardian add ("who is at least 19 years of age or older."

Pending.

MOTION - Suspend Rules

Mr. Wesely moved to suspend the Rules, Rule 3, Sec. 13 to permit scheduling of a public hearing by the Health and Human Services Committee for a gubernatorial appointment.

The Wesely motion to suspend the rules prevailed with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

NOTICE OF COMMITTEE HEARING
Health and Human Services

Governor Appointment Thursday, February 3, 1994 1:30 p.m.
Dennis Hirschbrunner - Board of Health

(Signed) Don Wesely, Chairperson

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 1131. Placed on General File.

LEGISLATIVE BILL 605. Placed on General File as amended.
Standing Committee amendment to LB 605:
AM2785

1. On page 2, strike the new material in lines 15 through 17 and insert "The chief executive officer as described in section 70-620.01 shall be responsible for publishing the current salaries as required by this subsection. Any chief executive officer who violates this subsection shall be guilty of a Class V misdemeanor."; and in line 19 strike "1994" and insert "1995".

LEGISLATIVE BILL 512. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

Revenue

LEGISLATIVE BILL 1003. Placed on General File.
LEGISLATIVE BILL 1088. Placed on General File.

LEGISLATIVE BILL 902. Placed on General File as amended.
Standing Committee amendment to LB 902:
AM2903

1. On page 11, line 13, strike "15" and insert "1".

LEGISLATIVE BILL 972. Placed on General File as amended.
Standing Committee amendment to LB 972:
AM2902

1. On page 2, strike lines 7 through 9 and show as stricken.

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Schellpeper and Will asked unanimous consent to print the following amendment to LB 694 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2685.)

Messrs. Schellpeper and Will asked unanimous consent to print the following amendment to LB 694 in the Journal. No objections. So ordered.

(Amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2812.)

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 906. Placed on General File.
LEGISLATIVE BILL 951. Placed on General File.
LEGISLATIVE BILL 993. Placed on General File.

LEGISLATIVE BILL 996. Placed on General File as amended.
Standing Committee amendment to LB 996:
AM2898

1. Strike original section 1 and insert the following new section:

"Section 1. That section 43-2,119, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-2,119. ~~In~~ (1) Until July 1, 1995, in each county of this state having a population of seventy-five thousand and

not more than two hundred thousand population in which a separate juvenile court has been established, there shall be one judge of the separate juvenile court, and in each county of this state having more than two hundred thousand population in which a separate juvenile court has been established, there shall be two judges of the separate juvenile court.

(2) On and after July 1, 1995, in each county of this state having a population of seventy-five thousand and not more than four hundred thousand population in which a separate juvenile court has been established, there shall be two judges of the separate juvenile court, and in each county of this state having a population of four hundred thousand or more in which a separate juvenile court has been established, there shall be three judges of the separate juvenile court.

(3) In counties having two or more judges of the separate juvenile court, upon the swearing in of the second judge, the senior judge in point of service as a juvenile court judge shall be the presiding judge. The judges shall rotate the office of presiding judge every three years unless the judges agree to another system.".

LEGISLATIVE BILL 1096. Placed on General File as amended.
Standing Committee amendment to LB 1096:
AM2887

1. On page 2, lines 10 through 14, strike the new matter and insert:

"(1) For manuscripts or transcripts requiring the services of a certified court reporter made at the request of the person, two dollars and fifty cents per page or the reasonable and actual cost paid to a certified court reporter who prepared the manuscript or transcript, whichever is less; or

(2) The fair and reasonable cost of the mechanical or electronic production of the copy.

In addition thereto a fee of one dollar shall be charged for the certificate of the officer.".

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 988 in the Journal. No objections. So ordered.

FA341

Amend FA331 by striking all of subsection (iii) beginning on page 2, line 14

Mr. Beutler asked unanimous consent to print the following amendment to LB 988 in the Journal. No objections. So ordered.

FA338
Amend as follows:
(1) add at the end of line 13, page 4 the following language "unless the firearm has antique value"

Mr. Beutler asked unanimous consent to print the following amendment to LB 988 in the Journal. No objections. So ordered.

FA339
Strike section 6

Messrs. Coordsen and Hall asked unanimous consent to print the following amendment to LB 286 in the Journal. No objections. So ordered.

AM2830

(Amendments to AM2794)

1. On page 23, line 15, reinstate the stricken "(3) After December 31," and after the reinstated matter insert "1995,"; and reinstate the stricken matter beginning with "any" in line 15 through line 19.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 1320, LB 1321, LB 1322, and LB 1323. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Cointroducer

Mr. Lynch asked unanimous consent to have his name withdrawn as cointroducer to LB 966. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 988 in the Journal. No objections. So ordered.

FA340
Amend FA334
Page 3, line 20, strike the underlined language and insert in its place "or near".

VISITORS

Visitors to the Chamber were 30 twelfth grade students and teacher from Genoa High School; Cleid Cruz from Brazil and Maria Hartman, interpreter; Keith Richardson and Doug Watson from North Platte; 75 fourth grade students and sponsor from Hamlow Elementary, Waverly; and a group from North Platte.

The Doctor of the Day was Mike Myers from Lincoln.

ADJOURNMENT

At 12:01 p.m., on a motion by Mrs. Rasmussen, the Legislature adjourned until 9:00 a.m., Wednesday, February 2, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTEENTH DAY - FEBRUARY 2, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 2, 1994

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor John Hodges, United Methodist Church, Brock, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Hartnett and Kristensen who were excused; and Mmes. Bohlke, Hillman, McKenzie, Messrs. Bromm, Landis, Lindsay, Lynch, Moore, Warner, Wesely, and Will who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 562, line 3, strike "bill" and insert "resolution".
The Journal for the sixteenth day was approved as corrected.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 1201	Wednesday, February 9, 1994	1:30 p.m.
LB 1133	Wednesday, February 9, 1994	1:30 p.m.
LB 1135	Wednesday, February 9, 1994	1:30 p.m.
LB 1171	Wednesday, February 9, 1994	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

GENERAL FILE

LEGISLATIVE BILL 988. Mr. Schellpeper renewed his pending amendment, FA337, found in the Journal on page 564, to the Lindsay-Bernard-Stevens pending amendment, FA331, found in the Journal on page 559, as amended.

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

Mrs. Robak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers requested a record vote on the Schellpeper amendment.

Voting in the affirmative, 26:

Abboud	Coordsen	Fisher	McKenzie	Schmitt
Avery	Crosby	Hudkins	Pedersen	Vrtiska
Beutler	Cudaback	Janssen	Pirsch	Wehrbein
Bohlke	Dierks	Jones	Robak	Wesely
Bromm	Elmer	Lindsay	Schellpeper	Witek
Byars				

Voting in the negative, 1:

Chambers

Present and not voting, 14:

Ashford	Day	Hall	Monen	Robinson
Bernard-Stevens	Engel	Landis	Preister	Schimek
	Haberman	Matzke	Rasmussen	Wickersham

Excused and not voting, 8:

Hartnett	Kristensen	Moore	Will	Withem
Hillman	Lynch	Warner		

The Schellpeper amendment was adopted with 26 ayes, 1 nay, 14 present and not voting, and 8 excused and not voting.

Pending.

STANDING COMMITTEE REPORT
Health and Human Services

The Committee on Health and Human Services desires to report favorably upon the appointments listed below. The Committee suggests

the appointments be confirmed by the Legislature and suggests a record vote.

Joyce Bunger - Foster Care Review Board
Barbara Moore - Foster Care Review Board
Myrna Schmid - Foster Care Review Board
Sally Burt - Child Abuse Prevention Fund Board
Samuel Perry - Child Abuse Prevention Fund Board
Charles Wempe - Board of Health
Duane Polzien - Board of Health

VOTE: Aye: Senators Byars, Day, Dierks, Matzke, Rasmussen, and Wesely. Absent: Senator Vrtiska.

(Signed) Don Wesely, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 1207	Wednesday, February 9, 1994	1:30 p.m.
LB 1124	Wednesday, February 9, 1994	1:30 p.m.
LB 1360	Thursday, February 10, 1994	2:30 p.m
LB 1128	Thursday, February 10, 1994	2:30 p.m
LB 1358	Thursday, February 10, 1994	2:30 p.m

(Signed) Chris Beutler, Chairperson

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 1039. Placed on General File as amended.
Standing Committee amendment to LB 1039:
AM2927

1. On page 2, line 6, strike beginning with "or" through "trails"; and in line 20 after "to" insert "subsection (2) of".

(Signed) Chris Beutler, Chairperson

Business and Labor

LEGISLATIVE BILL 861. Placed on General File as amended.
Standing Committee amendment to LB 861:
AM2787

1. On page 4, lines 25 through 27, reinstate the stricken matter.
2. On page 5, line 1, strike "(4)" and reinstate the stricken matter; and in line 15 after the period insert

"In the case of payment to an individual of primary insurance benefits under Title II of the Social Security Act, as amended, or similar payments under any act of Congress, the individual's contribution shall be taken into consideration and the weekly benefit amount shall not be reduced.".

(Signed) Chris Abboud, Chairperson

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 1024	Wednesday, February 9, 1994	1:30 p.m.
LB 1328	Wednesday, February 9, 1994	1:30 p.m.
LB 1330	Wednesday, February 9, 1994	1:30 p.m.
LB 1344	Wednesday, February 9, 1994	1:30 p.m.
LB 1357	Wednesday, February 9, 1994	1:30 p.m.
LB 1319	Thursday, February 10, 1994	1:30 p.m.
LB 1331	Thursday, February 10, 1994	1:30 p.m.
LB 1343	Thursday, February 10, 1994	1:30 p.m.
LB 1351	Thursday, February 10, 1994	1:30 p.m.
LB 928	Friday, February 11, 1994	1:30 p.m.
LB 1342	Friday, February 11, 1994	1:30 p.m.
LB 1350	Friday, February 11, 1994	1:30 p.m.

(Signed) John Lindsay, Chairperson

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 886. Placed on General File.
LEGISLATIVE BILL 1000. Placed on General File.
LEGISLATIVE BILL 1078. Placed on General File.

LEGISLATIVE BILL 909. Placed on General File as amended.
Standing Committee amendment to LB 909:
AM2913

1. Strike original section 22.

2. On page 6, line 5; page 11, line 6; and page 18, line 3, strike "Title XX", show as stricken, and insert "Child Care Assistance".

3. On page 6, lines 24 and 26, reinstate the stricken matter; and in lines 26 and 27 strike the new matter.

4. On page 7, lines 7 through 9, strike the new matter; and in lines 19 through 22 reinstate the stricken matter.

5. On page 15, line 28, after the period insert "When considering grant applications of equal merit, the

department shall award the grant to the applicant which has not previously received a grant from the Child Care Grant Fund.".

6. On page 20, line 1; and page 22, line 19, strike "business", show as stricken, and insert "service".

7. On page 21, line 13, after "children" insert "and youth".

8. On page 51, line 3, strike "48-106,".

9. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1014. Placed on General File as amended.
Standing Committee amendment to LB 1014:
AM2912

1. On page 2, line 11, strike "one hundred twenty" and insert "seventy-five"; and in line 20 strike "act" and insert "legislative bill".

(Signed) Don Wesely, Chairperson

GENERAL FILE

LEGISLATIVE BILL 988. Mr. Wehrbein moved to bracket until February 9, 1994.

MR. HALL PRESIDING

The Wehrbein motion to bracket lost with 10 ayes, 23 nays, 10 present and not voting, and 6 excused and not voting.

Mr. Chambers offered the following amendment to the Lindsay-Bernard-Stevens pending amendment, FA331:
FA342

Amend FA331

Page 2, line 26 after "firearm." add, "Such firearm shall not include any pistol, revolver or other handgun."

Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The Chambers amendment was adopted with 35 ayes, 4 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Beutler withdrew his pending amendments, FA341 and FA338, found in the Journal on pages 566 and 567.

Mr. Chambers offered the following amendment to the Lindsay-Bernard-Stevens pending amendment:
FA343
Amend FA331
Page 2, line 21 after the Schellpeper amendment, add, "Such firearm shall not include any pistol, revolver or other handgun."

Mr. Warner asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Mr. Lindsay offered the following amendment to the Lindsay-Bernard-Stevens pending amendment:
FA344
Amend FA331 as follows:
(1) Strike beginning with line 3, page 1, through line 4, page 3.

The Lindsay amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

The Lindsay-Bernard-Stevens amendment, FA331, as amended, was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Pending.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 76. Placed on Select File as amended.
(E & R amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM5649.)

(Signed) Janis McKenzie, Chairperson

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 718. Placed on General File.
LEGISLATIVE BILL 1049. Placed on General File.

(Signed) David Landis, Chairperson

Judiciary

LEGISLATIVE BILL 1035. Placed on General File as amended.
Standing Committee amendment to LB 1035:
AM2886

1. Strike original section 3 and insert the following new sections:

"Sec. 3. Upon completion of the investigation pursuant to section 28-713, the subject of the report shall be given written notice of the determination of the case and whether he or she will be entered into the central registry pursuant to subdivision (1), (2), or (3) of section 28-720. Such notice shall be sent by certified mail to the subject's last-known address and shall include:

(1) The nature of the report;

(2) The classification of the report; and

(3) Notification of the subject's right to a hearing and appeal in accordance with section 28-723.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Withdraw Cointroducer

Mr. Schmitt asked unanimous consent to have his name withdrawn as cointroducer to LB 966. No objections. So ordered.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Lynch asked unanimous consent to have his name added as cointroducer to LB 1136. No objections. So ordered.

ANNOUNCEMENTS

The Executive Board designates LB 1243 as its priority bill.

The Natural Resources Committee designates LB 981 and LB 1030 as its priority bills.

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 379 in the Journal. No objections. So ordered.

AM2860

1. On page 3, strike beginning with "The" in line

2 19 through line 21 and all amendments thereto.

NOTICE OF COMMITTEE HEARINGS

General Affairs

LB 1069	Tuesday, February 15, 1994	1:30 p.m.
LB 1070	Tuesday, February 15, 1994	1:30 p.m.
LB 1094	Tuesday, February 15, 1994	1:30 p.m.
LB 1278	Tuesday, February 15, 1994	1:30 p.m.
LB 1313	Tuesday, February 15, 1994	1:30 p.m.
LB 1324	Tuesday, February 15, 1994	1:30 p.m.

Governor Appointments Tuesday, February 15, 1994 1:30 p.m.
Nebraska Arts Council
Gail Erwin
Don Hinds
Marilyn Mitchell
Jean Sidwell
Nebraska State Electrical Board
Joseph Pinhero
Emmett Smith

(Signed) Stan Schellpeper, Chairperson

Business and Labor

LB 1101	Monday, February 14, 1994	1:30 p.m.
LB 1164	Monday, February 14, 1994	1:30 p.m.
LB 1172	Monday, February 14, 1994	1:30 p.m.
LB 1209	Monday, February 14, 1994	1:30 p.m.
LB 1315	Monday, February 14, 1994	1:30 p.m.
LB 1152	Tuesday, February 15, 1994	2:30 p.m.
LB 1109	Tuesday, February 15, 1994	2:30 p.m.
LB 1279	Tuesday, February 15, 1994	2:30 p.m.
LB 1337	Tuesday, February 15, 1994	2:30 p.m.

Governor Appointment Tuesday, February 15, 1994 2:30 p.m.
John P. Hillebrandt - Boiler Safety Advisory Board

(Signed) Chris Abboud, Chairperson

VISITORS

Visitors to the Chamber were 40 fifth grade students and teacher from Clarkson Elementary, Fremont; and Marcus Crawford.

The Doctor of the Day was Ron Klutman from Columbus.

ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Thursday, February 3, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTEENTH DAY - FEBRUARY 3, 1994

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 3, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Alvin Trucano, United Methodist Church, Humbolt and Table Rock, Nebraska.

SPEAKER WITHEM PRESIDING

ROLL CALL

The roll was called and all members were present except Messrs. Kristensen, Pedersen, and Schmitt who were excused; and Messrs. Bernard-Stevens, Chambers, Coordsen, Haberman, Hall, Hartnett, Lindsay, Matzke, Moore, Warner, Wickersham, Will, Mmes. McKenzie, Rasmussen, Witek, Mses. Day, and Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventeenth day was approved.

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 1245. Placed on General File.

(Signed) Wm. R. Wickersham, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 1048. Placed on General File as amended.
Standing Committee amendment to LB 1048:

AM2962

1. On page 4, strike lines 21 through 23.

LEGISLATIVE BILL 1066. Placed on General File as amended.
Standing Committee amendment to LB 1066:
AM2961

1. Insert the following new section:
"Sec. 146. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) David Landis, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 304. Introduced by Preister, 5; Dierks, 40.

WHEREAS, our federal government has experienced ongoing difficulty in overcoming the immense technical, managerial, and political obstacles to effective nuclear waste management which has led to a growing crisis; and

WHEREAS, the nuclear waste issue is at a critical juncture throughout our country. Power plants are running out of existing storage capacity for spent fuel rods while public opposition grows to the siting of low-level waste dumps and storage facilities for spent nuclear fuel; and

WHEREAS, our national policy appears to have led to great uncertainty and an increasing financial burden on ratepayers and taxpayers; and

WHEREAS, a comprehensive public review by an independent commission would be appropriate and useful in reviewing our nation's policies regarding the generation and disposal of nuclear waste.

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

1. The Legislature respectfully requests that the President of the United States appoint an independent commission to publicly and comprehensively review our nation's nuclear waste programs and to issue a comprehensive report including evaluations of current programs and recommendations for change.

2. The Legislature respectfully encourages U.S. Senators Bob Kerrey and J. James Exon to join with other U.S. Senators in signing the letter now being circulated by U.S. Senator Paul D. Wellstone of Minnesota to the President asking for the same.

3. That a copy of this resolution be sent to President Clinton and to Senators Exon and Kerrey.

Laid over.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 1203	Thursday, February 10, 1994	1:30 p.m.
LB 1226	Thursday, February 10, 1994	1:30 p.m.
LB 1100	Thursday, February 10, 1994	1:30 p.m.
LB 1252	Thursday, February 10, 1994	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

MESSAGE FROM THE GOVERNOR

February 2, 1994

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

Dear Madam President, Speaker Withem, and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Governor's Policy Research and Energy Office, requiring legislative approval.

APPOINTEE: Jean Lovell, Director

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

MOTION - Approve Appointments

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following Governor appointments found in the Journal on page 570: Joyce Bunger, Barbara Moore, and Myrna Schmid - Foster Care Review Board, Sally Burt and Samuel Perry - Child Abuse Prevention Fund Board, and Charles Wempe and Duane Polzien - Board of Health.

Voting in the affirmative, 25:

Abboud	Beutler	Byars	Dierks	Fisher
Ashford	Bohlke	Crosby	Elmer	Hillman
Avery	Bromm	Cudaback	Engel	Hudkins

Janssen	Landis	Pirsch	Robinson	Wesely
Jones	Monen	Preister	Vrtiska	Withem

Voting in the negative, 0.

Present and not voting, 3:

Lynch	Robak	Schellpeper

Excused and not voting, 21:

Bernard-Stevens	Haberman	Matzke	Rasmussen	Wehrbein
Chambers	Hall	McKenzie	Schimek	Wickersham
Coordsen	Hartnett	Moore	Schmitt	Will
Day	Kristensen	Pedersen	Warner	Witek
	Lindsay			

These appointments were confirmed with 25 ayes, 0 nays, 3 present and not voting, and 21 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 846.

A BILL FOR AN ACT relating to recreational trails; to amend section 37-1507, Revised Statutes Supplement, 1992; to change an internal reference; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Abboud	Chambers	Haberman	Lynch	Robinson
Ashford	Crosby	Hillman	Matzke	Schellpeper
Avery	Cudaback	Hudkins	McKenzie	Schimek
Beutler	Dierks	Janssen	Monen	Vrtiska
Bohlke	Elmer	Jones	Pirsch	Wesely
Bromm	Engel	Landis	Preister	Withem
Byars	Fisher			

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 16:

Bernard-Stevens	Hall	Moore	Schmitt	Wickersham
Coordsen	Hartnett	Pedersen	Warner	Will
Day	Kristensen	Rasmussen	Wehrbein	Witek
	Lindsay			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 847.

A BILL FOR AN ACT relating to mail routes; to amend sections 39-1001, 39-1005, 39-1006, and 39-1008, Reissue Revised Statutes of Nebraska, 1943; to change internal references; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 32:

Abboud	Chambers	Haberman	Lynch	Robinson
Ashford	Crosby	Hillman	Matzke	Schellpeper
Avery	Cudaback	Hudkins	McKenzie	Schimek
Beutler	Dierks	Janssen	Monen	Vrtiska
Bohlke	Elmer	Jones	Pirsch	Wesely
Bromm	Engel	Landis	Preister	Withem
Byars	Fisher			

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 16:

Bernard-Stevens	Hall	Moore	Schmitt	Wickersham
Coordsen	Hartnett	Pedersen	Warner	Will
Day	Kristensen	Rasmussen	Wehrbein	Witek
	Lindsay			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 848.

A BILL FOR AN ACT relating to highways; to amend sections 39-1320.01, 39-1320.06, 39-1320.08, 39-1320.10, and 39-1320.11, Reissue Revised Statutes of Nebraska, 1943; to change internal references; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Abboud	Chambers	Haberman	Matzke	Schellpeper
Ashford	Crosby	Hillman	McKenzie	Schimek
Avery	Cudaback	Hudkins	Monen	Vrtiska
Beutler	Dierks	Janssen	Pirsch	Wesely
Bohlke	Elmer	Jones	Preister	Wickersham
Bromm	Engel	Landis	Robinson	Withem
Byars	Fisher	Lynch		

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 15:

Bernard-Stevens	Hall	Lindsay	Rasmussen	Wehrbein
Coordsen	Hartnett	Moore	Schmitt	Will
Day	Kristensen	Pedersen	Warner	Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 849.

A BILL FOR AN ACT relating to the youth development centers; to amend section 83-468, Reissue Revised Statutes of Nebraska, 1943; to delete internal references to three sections repealed in 1969; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Abboud	Crosby	Hillman	Matzke	Schellpeper
Ashford	Cudaback	Hudkins	McKenzie	Schimek
Avery	Dierks	Janssen	Monen	Vrtiska
Bohlke	Elmer	Jones	Pirsch	Wesely
Bromm	Engel	Landis	Preister	Wickersham
Byars	Haberman	Lynch	Robinson	Withem
Chambers	Hall			

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Fisher	Robak

Excused and not voting, 14:

Bernard-Stevens	Day	Lindsay	Rasmussen	Wehrbein
	Hartnett	Moore	Schmitt	Will
Coordsen	Kristensen	Pedersen	Warner	Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 850.

A BILL FOR AN ACT relating to the Nebraska Motor Vehicle Industry Licensing Board; to amend section 60-1403, Reissue Revised Statutes of Nebraska, 1943; to change internal references; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Abboud	Chambers	Haberman	Lynch	Schellpeper
Ashford	Crosby	Hall	Matzke	Schimek
Avery	Cudaback	Hillman	McKenzie	Vrtiska
Beutler	Dierks	Hudkins	Monen	Wesely
Bohlke	Elmer	Janssen	Pirsch	Wickersham
Bromm	Engel	Jones	Preister	Withem
Byars	Fisher	Landis	Robinson	

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 14:

Bernard-Stevens	Day	Lindsay	Rasmussen	Wehrbein
Coordsen	Hartnett	Moore	Schmitt	Will
	Kristensen	Pedersen	Warner	Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 851.

A BILL FOR AN ACT relating to jails; to amend section 47-112.01, Reissue Revised Statutes of Nebraska, 1943; to provide for applicability of a definition; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Abboud	Chambers	Fisher	Landis	Schellpeper
Ashford	Coordsen	Haberman	Lynch	Schimek
Avery	Crosby	Hall	McKenzie	Vrtiska
Beutler	Cudaback	Hillman	Monen	Wesely
Bohlke	Dierks	Hudkins	Pirsch	Wickersham
Bromm	Elmer	Janssen	Preister	Withem
Byars	Engel	Jones	Robinson	

Voting in the negative, 0.

Present and not voting, 2:

Matzke Robak

Excused and not voting, 13:

Bernard-Stevens	Hartnett	Moore	Schmitt	Will
Day	Kristensen	Pedersen	Warner	Witek
	Lindsay	Rasmussen	Wehrbein	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 852.

A BILL FOR AN ACT relating to insurance; to amend section 44-1215, Reissue Revised Statutes of Nebraska, 1943; to eliminate an obsolete reference; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud	Chambers	Fisher	Landis	Robinson
Ashford	Coordsen	Haberman	Lynch	Schellpeper
Avery	Crosby	Hall	Matzke	Schimek
Beutler	Cudaback	Hillman	McKenzie	Vrtiska
Bohlke	Dierks	Hudkins	Monen	Wesely
Bromm	Elmer	Janssen	Pirsch	Wickersham
Byars	Engel	Jones	Preister	Withem

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 13:

Bernard-Stevens	Hartnett	Moore	Schmitt	Will
	Kristensen	Pedersen	Warner	Witek
Day	Lindsay	Rasmussen	Wehrbein	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 853.

A BILL FOR AN ACT relating to health; to amend section 71-1,293, Reissue Revised Statutes of Nebraska, 1943; to eliminate an obsolete reference; to substitute other references as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud	Chambers	Fisher	Landis	Robinson
Ashford	Coordsen	Haberman	Lynch	Schellpeper
Avery	Crosby	Hall	Matzke	Schimek
Beutler	Cudaback	Hillman	McKenzie	Vrtiska
Bohlke	Dierks	Hudkins	Monen	Wesely
Bromm	Elmer	Janssen	Pirsch	Wickersham
Byars	Engel	Jones	Preister	Withem

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 13:

Bernard-Stevens	Hartnett	Moore	Schmitt	Will
	Kristensen	Pedersen	Warner	Witek
Day	Lindsay	Rasmussen	Wehrbein	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 854.

A BILL FOR AN ACT relating to educational telecommunications; to amend section 79-2102, Revised Statutes Supplement, 1992; to eliminate obsolete language; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud	Coordsen	Haberman	Lynch	Schellpeper
Ashford	Crosby	Hall	Matzke	Schimek
Beutler	Cudaback	Hillman	McKenzie	Vrtiska
Bohlke	Dierks	Hudkins	Monen	Wesely
Bromm	Elmer	Janssen	Pirsch	Wickersham
Byars	Engel	Jones	Preister	Witek
Chambers	Fisher	Landis	Robinson	Withem

Voting in the negative, 0.

Present and not voting, 2:

Avery Robak

Excused and not voting, 12:

Bernard-Stevens	Hartnett	Moore	Schmitt	Wehrbein
Day	Kristensen	Pedersen	Warner	Will
	Lindsay	Rasmussen		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 855.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1802, Reissue Revised Statutes of Nebraska, 1943; to delete a reference to a repealed section; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud	Coordsen	Haberman	Lynch	Schellpeper
Ashford	Crosby	Hall	Matzke	Schimek
Avery	Cudaback	Hillman	McKenzie	Vrtiska
Beutler	Dierks	Hudkins	Monen	Wesely
Bohlke	Elmer	Janssen	Pirsch	Wickersham
Bromm	Engel	Jones	Preister	Witek
Byars	Fisher	Landis	Robinson	Withem
Chambers				

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 12:

Bernard-Stevens	Hartnett	Moore	Schmitt	Wehrbein
Day	Kristensen	Pedersen	Warner	Will
	Lindsay	Rasmussen		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 856.

A BILL FOR AN ACT relating to elections; to repeal provisions governing the Presidential Primary Election Study Committee; and to repeal section 32-562, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud	Coordsen	Haberman	Lindsay	Schellpeper
Ashford	Crosby	Hall	Lynch	Schimek
Avery	Cudaback	Hillman	McKenzie	Vrtiska
Bohlke	Dierks	Hudkins	Monen	Wesely
Bromm	Elmer	Janssen	Pirsch	Wickersham
Byars	Engel	Jones	Preister	Witek
Chambers	Fisher	Landis	Robinson	Withem

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Matzke	Robak

Excused and not voting, 11:

Bernard-Stevens	Hartnett	Pedersen	Schmitt	Wehrbein
Day	Kristensen	Rasmussen	Warner	Will
	Moore			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 857.

A BILL FOR AN ACT relating to insurance; to repeal provisions governing an assessment for the years 1988, 1989, and 1990; and to repeal sections 44-159 and 44-160, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud	Avery	Bohlke	Byars	Coordsen
Ashford	Beutler	Bromm	Chambers	Crosby

Cudaback	Hall	Lindsay	Pirsch	Vrtiska
Dierks	Hillman	Lynch	Preister	Wesely
Elmer	Hudkins	Matzke	Robinson	Wickersham
Engel	Janssen	McKenzie	Schellpeper	Witek
Fisher	Jones	Monen	Schimek	Withem
Haberman	Landis			

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 11:

Bernard-Stevens	Hartnett	Pedersen	Schmitt	Wehrbein
Day	Kristensen	Rasmussen	Warner	Will
	Moore			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 858.

A BILL FOR AN ACT relating to education; to amend sections 79-101.02, 79-328, 79-437.03, 79-451, 79-4,105.01, 79-4,158.01, 79-4,224, and 79-1302, Revised Statutes Supplement, 1992, and sections 79-101.01, 79-445, 79-1303, and 79-3333, Revised Statutes Supplement, 1993; to delete references to nonresident high school tuition and the county nonresident high school tuition fund; to delete references to repealed sections; to harmonize provisions; and to repeal the original sections, and also sections 79-4,100 and 79-2316, Reissue Revised Statutes of Nebraska, 1943, and sections 79-438.08, 79-494, and 79-3336, Revised Statutes Supplement, 1992.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud	Coordsen	Hall	Lynch	Schellpeper
Ashford	Crosby	Hartnett	Matzke	Schimek
Avery	Cudaback	Hillman	McKenzie	Vrtiska
Beutler	Dierks	Hudkins	Monen	Wesely
Bohlke	Elmer	Janssen	Pirsch	Wickersham
Bromm	Engel	Jones	Preister	Witek
Byars	Fisher	Landis	Robinson	Withem
Chambers	Haberman	Lindsay		

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 10:

Bernard-Day	Kristensen	Pedersen	Schmitt	Wehrbein
Stevens	Moore	Rasmussen	Warner	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 859.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-121, 53-170, 53-189, 53-198, 53-199, 53-1,101 to 53-1,103, 53-1,107 to 53-1,111, and 53-1,113, Reissue Revised Statutes of Nebraska, 1943, sections 53-123.13 and 53-139, Revised Statutes Supplement, 1992, and sections 48-1902, 53-103, and 53-123.04, Revised Statutes Supplement, 1993; to change internal references; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud	Coordsen	Hall	Lynch	Schellpeper
Ashford	Crosby	Hartnett	Matzke	Schimek
Avery	Cudaback	Hillman	McKenzie	Vrtiska
Beutler	Dierks	Hudkins	Monen	Wesely
Bohlke	Elmer	Janssen	Pirsch	Wickersham
Bromm	Engel	Jones	Preister	Witek
Byars	Fisher	Landis	Robinson	Withem
Chambers	Haberman	Lindsay		

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 10:

Bernard-Stevens	Kristensen	Pedersen	Schmitt	Wehrbein
Day	Moore	Rasmussen	Warner	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 988. The fourth Lindsay-Bernard-Stevens amendment is as follows:

FA333

2. On page 5, line 10, strike "Through probate" and insert "From a person related to such juvenile within the second degree of consanguinity or affinity".

Messrs. Beutler, Landis, and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, and 859.

GENERAL FILE

LEGISLATIVE BILL 988. The fourth Lindsay-Bernard-Stevens pending amendment, FA333, found in this day's Journal, was renewed.

Mr. Schellpeper moved the previous question. The question is, "Shall the debate now close?"

Mr. Schellpeper moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Schellpeper requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 17:

Abboud	Byars	Fisher	Pirsch	Schellpeper
Ashford	Dierks	Janssen	Robak	Vrtiska
Avery	Elmer	Moore	Robinson	Witek
Bromm	Engel			

Voting in the negative, 20:

Bernard-Stevens	Cudaback	Hillman	Lynch	Preister
Bohlke	Haberman	Hudkins	Matzke	Schimek
Chambers	Hall	Jones	McKenzie	Wesely
Crosby	Hartnett	Lindsay	Monen	Wickersham

Present and not voting, 1:

Withem

Excused and not voting, 11:

Beutler	Kristensen	Pedersen	Schmitt	Wehrbein
Coordsen	Landis	Rasmussen	Warner	Will
Day				

The motion to cease debate lost with 17 ayes, 20 nays, 1 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

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

MRS. CROSBY PRESIDING

Messrs. Lindsay, Chambers, Schellpeper, and Mrs. Robak offered the following amendment to the Lindsay-Bernard-Stevens pending amendment:
FA345
Amend FA333 by adding the following subsection:
(3) This section shall not authorize the transfer of any firearm described in section 28-1204.

The Lindsay et al. amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

The fourth Lindsay-Bernard-Stevens amendment, as amended, was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

The fifth Lindsay-Bernard-Stevens amendment is as follows:
FA334
3. On page 15, line 17, and page 16, lines 11 and 12, strike "in or near a city of the metropolitan class".

Mr. Chambers renewed his pending amendment, FA340, found in the Journal on page 567, to the Lindsay-Bernard-Stevens pending amendment.

SPEAKER WITHEM PRESIDING

Mr. Byars and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment was adopted with 26 ayes, 1 nay, 12 present and not voting, and 10 excused and not voting.

The fifth Lindsay-Bernard-Stevens amendment, as amended, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 988.

Mr. Chambers withdrew his motion to indefinitely postpone.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Lindsay asked unanimous consent to pass over LB 988. No objections. So ordered.

MOTION - Reconsider Action on LR 29CA

Mr. Chambers withdrew his pending motion, found in the Journal on page 501, to reconsider the vote on LR 29CA.

GENERAL FILE

LEGISLATIVE RESOLUTION 29CA. Read. Considered.

Mmes. Pirsch, Witek, Robak, Ms. Schimek, Messrs. Pedersen, Ashford, and Will renewed their pending amendment, AM2689, found in the Journal on page 495.

Mr. Chambers offered the following amendment to the Pirsch et al. pending amendment:
FA346
Amend AM2689
Strike subsection (2) of Section 1

Pending.

ANNOUNCEMENT

Mr. Hartnett designates LB 1139 as his priority bill.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

Governor Appointment Maxine B. Moul, Director - NE Department of Economic Development	Monday, February 14, 1994	1:30 p.m.
LB 957	Monday, February 14, 1994	1:30 p.m.
LB 1009	Monday, February 14, 1994	1:30 p.m.
LB 1042	Monday, February 14, 1994	1:30 p.m.
LB 1074	Monday, February 14, 1994	1:30 p.m.
LB 1091	Monday, February 14, 1994	1:30 p.m.
LB 1067	Tuesday, February 15, 1994	1:30 p.m.
LB 1086	Tuesday, February 15, 1994	1:30 p.m.
LB 1107	Tuesday, February 15, 1994	1:30 p.m.
LB 1141	Tuesday, February 15, 1994	1:30 p.m.
LB 1147	Tuesday, February 15, 1994	1:30 p.m.
LB 1126	Tuesday, February 22, 1994	1:30 p.m.
LB 1162	Tuesday, February 22, 1994	1:30 p.m.
LB 1176	Tuesday, February 22, 1994	1:30 p.m.
LB 1304	Tuesday, February 22, 1994	1:30 p.m.
LB 1341	Tuesday, February 22, 1994	1:30 p.m.
LB 1098	Monday, February 28, 1994	1:30 p.m.
LB 1132	Monday, February 28, 1994	1:30 p.m.
LB 1235	Monday, February 28, 1994	1:30 p.m.
LB 1241	Monday, February 28, 1994	1:30 p.m.
LB 1286	Monday, February 28, 1994	1:30 p.m.

(Signed) David Landis, Chairperson

Natural Resources

LB 1270	Friday, February 11, 1994	1:30 p.m.
LB 1271	Friday, February 11, 1994	1:30 p.m.
LB 1272	Friday, February 11, 1994	1:30 p.m.

(Signed) Chris Beutler, Chairperson

Executive Board

LB 1243	Wednesday, February 16, 1994	12:00 noon
LB 1309	Wednesday, February 16, 1994	12:00 noon
LB 1359	Wednesday, February 16, 1994	12:00 noon

(Signed) Tim Hall, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 3, 1994, at 11:00 a.m., were the following bills: 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, and 859.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Print in Journal

Messrs. Warner, Wickersham, Hartnett, Schellpeper, and Will asked unanimous consent to print the following amendment to LB 977 in the Journal. No objections. So ordered.

AM2963

1. On page 9, line 10, strike "of persons or" and show as stricken and strike "goods"; and in line 12 strike "of persons or", show as stricken, and insert an underscored period and strike "goods." and show the old matter as stricken.

2. On page 14, line 16, strike "of persons or", show as stricken, and insert an underscored semicolon and strike "goods;" and show the old matter as stricken.

3. On page 15, line 26, strike "of persons or" and show as stricken; and in line 27 strike "goods".

4. On page 17, line 17, strike "of persons or" and show as stricken and strike "goods".

Mr. Hall asked unanimous consent to print the following amendment to LB 741 in the Journal. No objections. So ordered.

AM2933

(Amendments to Final Reading copy)

1. On page 1, line 7, after the semicolon insert "to create a fund and provide for its use;".

2. On page 7, line 1, strike "General Fund", show as stricken, and insert "Alcoholism and Drug Abuse Treatment and Rehabilitation Cash Fund. The Department of Public Institutions shall administer the fund for the purpose of carrying out the Division on Alcoholism and Drug Abuse Act. The fund shall be used to provide enhanced funding to existing alcohol and other substance abuse treatment and rehabilitation programs. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.".

EXPLANATION OF VOTE

Had I been present, I would have voted aye on LBs 846, 847, 848, 849, 850, 851, 852, and 853.

(Signed) Kate Witek

BILL ON FIRST READING

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

LEGISLATIVE BILL 1001A. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1001, Ninety-third Legislature, Second Session, 1994.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 304 was referred to the Reference Committee.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolution 304.

LR	Committee
304	Natural Resources

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

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 1051. Placed on General File.
LEGISLATIVE BILL 1182. Placed on General File.

LEGISLATIVE BILL 907. Placed on General File as amended.
Standing Committee amendment to LB 907:
AM2972

1. On page 2, line 24, strike "shall" and insert "may".

LEGISLATIVE BILL 908. Placed on General File as amended.
Standing Committee amendment to LB 908:
AM2971

1. On page 2, line 22, strike "IA" and insert "IB".

LEGISLATIVE BILL 1140. Indefinitely postponed.
LEGISLATIVE BILL 1185. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

Revenue

LEGISLATIVE BILL 1257. Placed on General File as amended.
Standing Committee amendment to LB 1257:
AM2974

1. On page 3, line 2, strike "such proportion of" and show as stricken; and in line 4 strike "to the total amount budgeted" and show as stricken.

LEGISLATIVE BILL 1275. Placed on General File as amended.
Standing Committee amendment to LB 1275:
AM2975

1. Strike the original sections and insert the following new sections:

"Section 1. That section 77-1311, Revised Statutes Supplement, 1992, be amended to read as follows:

77-1311. The county assessor shall have general supervision over and direction of the assessment of all property in his or her county. In addition to the other duties provided by law, the county assessor shall:

(1) Annually revise the real property assessment for the correction of errors and, when properties have been assessed as entities and afterward part or parts transferred to other parties, set off and apportion to each its just and equitable portion of the valuation;

(2) Obey all rules and regulations made under Chapter 77 and the instructions sent out by the State Board of Equalization and Assessment or the Tax Commissioner;

(3) Examine the records in the office of the register of deeds and county clerk for the purpose of ascertaining whether mortgages on real property and security interests on personal property, producing mineral leases, title notes, contracts, and bills of sale, intended to operate as a lien in the county, have been fully and correctly listed and add to the assessment roll any which have been omitted, belonging to residents of his or her county, and not otherwise assessed, upon notice to the owner thereof or his or her agents;

(4) Examine the records in the office of the county judge and ascertain whether the property belonging to minors, persons with mental retardation or a mental disorder, and estates of deceased persons has been fully and correctly

listed and add to or change any such assessments so that the same shall be fully assessed;

(5) Examine the records in the office of the clerk of the district court to ascertain whether any judgments or liens thereon filed, belonging to residents of his or her county and not otherwise assessed, have been omitted from the assessment rolls and, in case of any such omission, add the same to the assessment roll after notice to the owner; ~~and~~

(6) Make up the assessment books as provided in section 77-1303; and

(7) Provide access to the public to property record cards and allow facsimiles to be reproduced, at cost, to the requesting individual.

Sec. 2. That section 77-1327, Revised Statutes Supplement, 1992, be amended to read as follows:

77-1327. (1) It is the intent of the Legislature that accurate and comprehensive information be made accessible to the taxpayer in order to ensure the quality and uniformity of assessment practices on both intercounty and intracounty valuations.

(2) The Tax Commissioner annually shall make and issue comprehensive assessment ratio studies of the average level of assessment, the degree of assessment uniformity, and overall compliance with assessment requirements for each major class of real property and for mobile homes and cabin trailers subject to the property tax in each county in the state. In order to determine the degree of assessment uniformity and compliance in the assessment of major classes of property within each county, the Tax Commissioner shall compute measures of central tendency and dispersion and shall employ such standard statistical analysis as deemed appropriate by him or her.

~~(2)~~ (3) The Tax Commissioner may require assessors and other local officers to report to him or her data on taxable valuations and other features of the property tax for such periods and in such form and content as the Tax Commissioner shall require. The Tax Commissioner shall so construct and maintain his or her system for the collection and analysis of property tax facts as to enable him or her to make intracounty comparisons, including school districts, as well as intercounty comparisons, including school districts, based on property tax and assessment ratio data. The Department of Revenue shall assist those county officials who require supplemental information to perform the duties necessary to carry out this section. The information requested may include, but shall not be limited to, sample, appraisals, statistical analysis, arm's length sales transactions or any other information necessary to complete such analysis.

(4) The Tax Commissioner shall verify the accuracy of information, including the selection of form 521 comparable sales, if any, that are not arm's length transactions.

~~(3)~~ (5) The Tax Commissioner shall annually publish ~~annually~~ a summary of the findings of the assessment ratio studies together with digests of property tax data.

~~(4)~~ (6) The county assessor shall, by March 1, annually post ~~annually~~ in his or her office and publicize in a newspaper of general circulation in the county the assessment ~~ratio~~ ratios as found in his or her county as determined by the Tax Commissioner and any other statistical measures, including, but not limited to, the assessment-to-sales ratio, coefficient of dispersion, and price-related differential.

Sec. 3. That original sections 77-1311 and 77-1327, Revised Statutes Supplement, 1992, are repealed.".

(Signed) Jerome Warner, Chairperson

Urban Affairs

LEGISLATIVE BILL 1323. Placed on General File.

LEGISLATIVE BILL 1041. Placed on General File as amended.
Standing Committee amendment to LB 1041:
AM2955

1. On page 2, line 14, after the period insert: "All such permits shall be displayed by attaching the same to the vehicle's rearview mirror so as to be clearly visible through the front windshield.".

LEGISLATIVE BILL 1127. Placed on General File as amended.
Standing Committee amendment to LB 1127:
AM2956

1. Strike the original sections and insert the following new sections:

"Section 1. (1) The Tax Commissioner shall certify the population of cities and villages to be used for purposes of calculations made pursuant to subdivision (3) of section 18-2603, section 39-2513, subdivision (1) of section 39-2517, and section 77-27,137.01. The Tax Commissioner shall transmit copies of such certification to all interested parties upon request.

(2) The Tax Commissioner shall certify the population of each city and village based upon the most recent federal census. The Tax Commissioner shall determine the most recent federal census for each city and village by using the most recent federal census figures available from (a) the most recent federal decennial census, (b) the most recent federal census update or recount certified by the United States Bureau

of the Census. or (c) the most recent federal census figure of the city or village plus the population of territory annexed as calculated in sections 18-1753 and 18-1754.

(3) The Tax Commissioner may adopt and promulgate rules and regulations to carry out this section.

Sec. 2. That section 18-1753, Revised Statutes Supplement, 1993, be amended to read as follows:

18-1753. (1) Any city or village annexing territory which thereby adds additional population to the city or village shall report such annexation to the Tax Commissioner. The annexing city or village shall provide the Tax Commissioner with a copy of the ordinance annexing the territory and specify the effective date of the annexation. The annexing city or village shall provide its calculation of the number of additional residents added to the population of the city or village by reason of the annexation and the new combined total population of the city or village and shall inform the Tax Commissioner of the source and date of the federal census relied upon in the calculations.

(2)(a) All calculations of additional population shall be based upon ~~the most recent~~ federal ~~decennial~~ census figures from the most recent federal decennial census or the most recent federal census update or recount certified by the United States Bureau of the Census.

(b) If the boundaries of the territory annexed and those of federal census enumeration districts are the same, or if federal census enumeration districts are wholly contained within the boundaries of the area annexed, the most recent federal ~~decennial~~ census figures for such enumeration districts shall be added directly to the population of the city or village.

(c) If the federal census enumeration districts are partly within and partly without the boundaries of the territory annexed, the federal ~~decennial~~ census figures for such enumeration districts shall be adjusted by reasonable interpretation and supplemented by other evidence to arrive at a figure for the number of people residing in the area annexed as such population existed in that area at the time of the most recent federal ~~decennial~~ census. Reasonable interpretation shall include, but not be limited to, the following methods: An actual house count of the annexed territory multiplied by the average number of persons per household as this information existed at the time of the most recent federal ~~decennial~~ census; ; or multiplying the population that existed at the time of the most recent federal ~~decennial~~ census in the enumeration district by a ratio of the actual current population of the enumeration district divided in the same manner as the annexation.

(d) The population of the city or village following

annexation shall be (i) the population of the city or village as reported by the most recent federal ~~decennial~~ census or (ii) the population of the city or village as reported by the most recent federal census plus the population of the territory annexed as calculated in subdivisions (b) and (c) of this subsection.

Sec. 3. That section 18-1754, Revised Statutes Supplement, 1993, be amended to read as follows:

18-1754. The Tax Commissioner shall review the report of the annexing city or village and its calculations as to the new population of the city or village as the result of the annexation. He or she shall determine if the methodology employed in determining such calculations has been made in conformity with section 18-1753. ~~Within~~ and shall, within sixty days of his or her receipt of a complete report from the annexing city or village, ~~the Tax Commissioner shall~~ certify the total new population of the city or village following the annexation. The Tax Commissioner shall adopt and promulgate rules and regulations to carry out this section and section 18-1753. ~~as calculated in conformity with section 18-1753. The certified population of the city or village shall be used for the purposes of calculations made pursuant to subdivision (3) of section 18-2603, section 39-2513, subdivision (1) of section 39-2517, and section 77-27,137.01. The Tax Commissioner shall transmit copies of such certification to all interested parties under those sections.~~

Sec. 4. That section 18-2603, Revised Statutes Supplement, 1993, be amended to read as follows:

18-2603. For purposes of the Municipal Infrastructure Redevelopment Fund Act:

(1) Fund shall mean the Municipal Infrastructure Redevelopment Fund;

(2) Infrastructure project shall mean any of the following projects, or any combination thereof, to be owned or operated by a municipality: Solid waste management facilities; wastewater, storm water, and water treatment works and systems, water distribution facilities, and water resources projects, including, but not limited to, pumping stations, transmission lines, and mains and their appurtenances; hazardous waste disposal systems; resource recovery systems; airports; port facilities; buildings and capital equipment used in the operation of municipal government; convention and tourism facilities; redevelopment projects as defined in section 18-2103; and mass transit and other transportation systems, including parking facilities and excluding public highways and bridges and municipal roads, streets, and bridges;

(3) Municipal allocation amount shall mean, for each municipality, the amount derived by multiplying the amount to

be allocated by the fraction determined by dividing the total population of the municipality by the total population of the state living in municipalities, each as determined by the most recent federal ~~decennial census and as calculated pursuant to sections 18-1753 and 18-1754~~ census figures certified by the Tax Commissioner as provided in section 1 of this act; and

(4) Municipality shall mean any city of any class or any village in the state.

Sec. 5. That section 39-2513, Revised Statutes Supplement, 1993, be amended to read as follows:

39-2513. The incentive payment to the various municipalities shall be based on the population of each municipality, as determined by the most recent federal ~~decennial census and as calculated pursuant to sections 18-1753 and 18-1754~~ census figures certified by the Tax Commissioner as provided in section 1 of this act, according to the following table:

Population	Payment
Not more than 500	$ 300.00
501 to 1,000	500.00
1,001 to 2,500	1,500.00
2,501 to 5,000	2,000.00
5,001 to 10,000	3,000.00
10,001 to 20,000	3,500.00
20,001 to 40,000	3,750.00
40,001 to 200,000	4,000.00
200,001 and more	4,250.00

Sec. 6. That section 39-2517, Revised Statutes Supplement, 1993, be amended to read as follows:

39-2517. The following factors and weights shall be used in determining the amount to be allocated to each of the municipalities for street purposes each year:

(1) Total population of each incorporated municipality, as determined by the most recent federal ~~decennial census and as calculated pursuant to sections 18-1753 and 18-1754~~ census figures certified by the Tax Commissioner as provided in section 1 of this act, fifty percent;

(2) Total motor vehicle registrations, other than prorate commercial vehicles, in each incorporated municipality, as determined from the most recent information available from the Department of Motor Vehicles, thirty percent; and

(3) Total number of miles of traffic lanes of streets in each incorporated municipality, as determined by the most recent inventory available within the Department of Roads, twenty percent.

Sec. 7. That section 77-27,137.01, Revised Statutes Supplement, 1993, be amended to read as follows:

77-27,137.01. The appropriation provided for in

section 77-27,136 for aid to incorporated municipalities shall be allocated by the Tax Commissioner to the various incorporated municipalities. The Tax Commissioner shall determine the amount to be distributed to the incorporated municipalities and certify such amounts by voucher to the Director of Administrative Services. Each amount shall be distributed in seven as nearly as possible equal monthly payments on the last business day of each month beginning in December. The State Treasurer shall, on the business day preceding the last business day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, on the last business day of each month, draw warrants against funds appropriated. The Tax Commissioner shall compute the amount due the incorporated municipalities on the ratio of the population of the particular incorporated municipality to the total population of all incorporated municipalities in the state as determined by the most recent federal ~~decennial census and as calculated pursuant to sections 18-1753 and 18-1754~~ census figures certified by the Tax Commissioner as provided in section 1 of this act, which amounts shall be placed in the general fund of such municipalities.

Sec. 8. That original sections 18-1753, 18-1754, 18-2603, 39-2513, 39-2517, and 77-27,137.01, Revised Statutes Supplement, 1993, are repealed.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) D. Paul Hartnett, Chairperson

Revenue

LEGISLATIVE BILL 994. Placed on General File as amended. (Standing Committee amendment printed separately from the Journal and on file in the Bill Room - Room 1102 - AM2978.)

(Signed) Jerome Warner, Chairperson

Agriculture

LEGISLATIVE BILL 933. Placed on General File.
LEGISLATIVE BILL 1058. Placed on General File.

LEGISLATIVE BILL 882. Placed on General File as amended.
Standing Committee amendment to LB 882:
AM2802

1. On page 2, line 7, strike "The" and insert "Upon

request of any landowner, the".

2. On page 5, line 12, after the period insert "If the party in default is an agency of the State of Nebraska, the injured party may seek reimbursement pursuant to section 81-1170.01.".

(Signed) Merton L. Dierks, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Mrs. Pirsch asked unanimous consent to have her name added as cointroducer to LB 1107. No objections. So ordered.

VISITORS

Visitors to the Chamber were Kevin and Bev Neth from Red Cloud, Don Rosenthal from Holdrege, and former Senator Ed Schrock from Holdrege; Senator Schellpeper's son, Jeff, and grandson, Eric, from Lincoln; 12 seniors and teacher from Exeter High School; Marlin and Linde Waechter from Stanton; Jan Fitts from Gering; and Charlie Najacht from Broken Bow.

ADJOURNMENT

At 12:04 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Friday, February 4, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

NINETEENTH DAY - FEBRUARY 4, 1994

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 4, 1994

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Don Thursby, First Presbyterian Church, Auburn, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Byars, Kristensen, and Moore who were excused; and Messrs. Abboud, Avery, Bromm, Lindsay, Monen, Warner, Will, Mmes. Bohlke, Rasmussen, Robak, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighteenth day was approved.

GENERAL FILE

LEGISLATIVE BILL 988. Considered.

Pending.

EASE

The Legislature was at ease from 9:10 a.m. until 9:15 a.m.

GENERAL FILE

LEGISLATIVE BILL 988. Considered.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 17:

Bromm	Dierks	Hudkins	Matzke	Schmitt
Coordsen	Elmer	Janssen	Monen	Vrtiska
Crosby	Engel	Jones	Schellpeper	Warner
Cudaback	Fisher			

Voting in the negative, 12:

Ashford	Beutler	Hall	Pedersen	Rasmussen
Bernard-Stevens	Chambers	Hillman	Pirsch	Witek
	Day	Landis		

Present and not voting, 11:

Bohlke	Lynch	Preister	Wehrbein	Wickersham
Haberman	McKenzie	Robinson	Wesely	Withem
Hartnett				

Excused and not voting, 9:

Abboud	Byars	Lindsay	Robak	Will
Avery	Kristensen	Moore	Schimek	

Failed to advance to E & R for review with 17 ayes, 12 nays, 11 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE RESOLUTION 29CA. Mr. Chambers renewed his pending amendment, FA346, found in the Journal on page 594, to the Pirsch et al. pending amendment, AM2689, found in the Journal on page 495.

The Chambers amendment lost with 1 aye, 12 nays, 28 present and not voting, and 8 excused and not voting.

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

Mr. Beutler offered the following amendment to the Pirsch et al. pending amendment:
FA347
Amend AM2689 as follows:

in lines 23 & 24 page 1 strike the words "to pay the cost of implementing crime victims rights"

The Beutler amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

The Pirsch et al. amendment, as amended, was adopted with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 915. Placed on General File as amended.
Standing Committee amendment to LB 915:
AM2984

1. On page 2, line 27, strike the first "or", show as stricken, and insert an underscored comma.
2. On page 3, line 5, before the period insert ", or (3) to sell or lease C-band satellite dish antennas".

(Signed) Chris Beutler, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LR 304	Friday, February 11, 1994	1:30 p.m.

(Signed) Chris Beutler, Chairperson

Government, Military and Veterans Affairs

LB 1103	Friday, February 11, 1994	1:30 p.m.
LB 1139	Friday, February 11, 1994	1:30 p.m.
LB 1215	Friday, February 11, 1994	1:30 p.m.
LB 1244	Friday, February 11, 1994	1:30 p.m.

Governor Appointment Friday, February 11, 1994 1:30 p.m.
Allen Curtis - Director, Nebraska Commission on Law Enforcement and Criminal Justice

(Signed) DiAnna R. Schimek, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of Governor appointments.

Hajek, Raymond J. - Power Review Board -- Natural Resources

Lovell, Jean - Director, Governor's Policy Research Office -- Government, Military and Veterans Affairs

Walters, Catherine A. - Crime Victims Reparations Committee -- Government, Military and Veterans Affairs

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

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

Governor Appointment Friday, February 11, 1994 1:30 p.m.
Jean Lovell - Director, Governor's Policy Research and Energy Office

(Signed) DiAnna R. Schimek, Chairperson

GENERAL FILE

LEGISLATIVE BILL 694. Title read. Considered.

Standing Committee amendment, AM1242, found in the Journal on page 1366, First Session, 1993, was considered.

Mr. Schellpeper renewed his pending amendment, AM2685, printed separately from the Journal and referred to on page 565, to the Standing Committee amendment.

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

Mr. Schellpeper moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Schellpeper amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Schellpeper renewed his pending amendment, AM2812, printed separately from the Journal and referred to on page 565, to the Standing Committee amendment.

Mr. Schellpeper moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Schellpeper amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

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

LEGISLATIVE BILL 1025. Title read. Considered.

MR. HALL PRESIDING

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

Mrs. Pirsch moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 876. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 877. Title read. Considered.

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

Mrs. Pirsch moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 878. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 978. Title read. Considered.

Standing Committee amendment, AM2762, found in the Journal on page 371, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Landis moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 872. Title read. Considered.

SPEAKER WITHEM PRESIDING

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

Mr. Fisher moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 895. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

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

LEGISLATIVE BILL 918. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 964. Title read. Considered.

MR. LINDSAY PRESIDING

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1021. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 874. Title read. Considered.

SPEAKER WITHEM PRESIDING

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 925. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 948. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1001. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

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

LEGISLATIVE BILL 1004. Title read. Considered.

Advanced to E & R for review with 25 ayes, 3 nays, 12 present and not voting, and 9 excused and not voting.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE RESOLUTION 277CA. Placed on General File as amended.
Standing Committee amendment to LR 277CA:
AM2977

1. Strike the original sections and insert the following new sections:

"Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article IV, section 28:

IV-28 'By January 1, 1996, there shall be a Tax Appeals and Equalization Commission. The members of the commission ~~A Tax Commissioner~~ shall be appointed by the Governor ~~with the advice and consent of the Senate. He~~ as provided by the Legislature. The commission shall have jurisdiction over ~~the administration of~~ disputes regarding the revenue laws of the state as provided by law. ~~, and together with the Governor, Secretary of State, State Auditor and State Treasurer~~ The commission shall have power to review and equalize assessments of property for taxation within the state. ~~He~~ and shall have such other powers and perform such other duties as the Legislature may provide. ~~His~~ The term of office and compensation of the members of the commission shall be as provided by law.'.

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

'A constitutional amendment to establish and provide powers and duties for the Tax Appeals and Equalization Commission and to eliminate the equalization powers of the Tax Commissioner, Governor, Secretary of State, State Auditor, and State Treasurer.

For

Against'.".

LEGISLATIVE BILL 1227. Placed on General File as amended.
Standing Committee amendment to LB 1227:
AM2976

1. On page 2, line 21, strike "of a levy" and insert "after a levy has been".

2. On page 3, line 12, strike "The" and insert "If the correction results in a lower levy, the"; and strike beginning with the period in line 14 through "credit" in line 17 and insert ", except that for a person who has paid motor vehicle taxes using the incorrect levy, the procedures provided by section 77-1734.01 shall apply".

LEGISLATIVE BILL 905. Indefinitely postponed.
LEGISLATIVE BILL 1020. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1106A. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1106, Ninety-third Legislature, Second Session, 1994.

LEGISLATIVE BILL 903A. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 903, Ninety-third Legislature, Second Session, 1994.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 3, 1994. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Arch, John - Omaha	St. Joseph Hospital (Withdrawn 04/14/94)
Brandt, Horan, Hallstrom & Sedlacek	
Hallstrom, Robert J. - Lincoln	Nebraska Association of County Superintendents
Stilmock, Gerald M. - Syracuse	Nebraska Association of County Superintendents
	Southeast Rural Fire Protection District
Haugstatter, Kathryn E. - Lincoln	Nebraska County Attorneys Association (Withdrawn 01/19/94)
Jewell, Jan - Lincoln	DeCamp Legal Services, P.C.
Lombardi - Erickson/American Communications Group	
Lombardi, Richard A. - Lincoln	Nebraska Speech, Language, & Hearing Association
MacLean, Timothy F. - Omaha	Leslie Associates (Withdrawn 06/30/93)
Mueller, William J./Knudsen, Berkheimer, Richardson, et al.	
Mueller, William J.	Bailey Lauerman & Associates Inc.
	Concrete Industries, Inc. (Withdrawn 01/27/94)

Nelson, Craig L. - Lincoln	Nebraska Association of County Officials
Rogers, Carson - Lincoln	Nebraska Pork Producers Association, Inc.
Ruth, Larry L./Knudsen, Berkheimer, Richardson, et al.	
Ruth, Larry L.	Bailey Lauerman & Associates Inc.
	Concrete Industries, Inc. (Withdrawn 01/27/94)
Vickers, Tom - Lincoln	Association of Private Practice Therapist

NOTICE OF COMMITTEE HEARING
Agriculture

Governor Appointment Tuesday, February 15, 1994 12:55 p.m.
Dick Wagoner - Nebraska Dry Bean Commission

(Signed) Merton L. Dierks, Chairperson

ANNOUNCEMENT

The Judiciary Committee designates LB 1326 as its priority bill.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 988 in the Journal. No objections. So ordered.

FA348
Page 4, line 11, strike "and held".
Line 12, after "officer", strike remaining language through line 13.
Insert: "Such firearm shall be held by the agency employing such officer until it no longer is required as evidence. If the person who possessed such firearm is convicted, the firearm shall be destroyed."

Mr. Chambers asked unanimous consent to print the following amendment to LB 988 in the Journal. No objections. So ordered.

FA349
Page 5, line 4 beginning with "sells", strike all language through "firearm" in line 6. and insert:
"does or attempts to sell, provide, loan, deliver, or in any other way transfer the possession of a firearm".

UNANIMOUS CONSENT - Add Cointroducers

Mr. Pedersen asked unanimous consent to have his name added as cointroducer to LB 1326. No objections. So ordered.

Mrs. McKenzie asked unanimous consent to have her name added as cointroducer to LB 241. No objections. So ordered.

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LB 1025. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Cointroducer

Mr. Withem asked unanimous consent to have his name withdrawn as cointroducer to LB 1139. No objections. So ordered.

VISITORS

Visitors to the Chamber were Stan, Pam, Nate, and Emily Murdoch from Kearney; Mark and Laura Wickard from Bridgeport; and 27 eighth grade students and sponsor from College View Academy, Lincoln.

ADJOURNMENT

At 12:04 p.m., on a motion by Mrs. Bohlke, the Legislature adjourned until 9:00 a.m., Tuesday, February 8, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTIETH DAY - FEBRUARY 8, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 8, 1994

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Robak presiding.

PRAYER

The prayer was offered by Brother John Bartleson, United Methodist Church, Crawford, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Beutler, Coordsen, Dierks, Engel, Haberman, Hall, Hartnett, Landis, Lindsay, Moore, Warner, Will, Withem, and Mrs. Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the nineteenth day was approved.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 954. Placed on General File.

LEGISLATIVE BILL 1250. Placed on General File as amended.
(Standing Committee amendment, AM3015, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 881. Indefinitely postponed.

(Signed) Ardyce Bohlke, Chairperson

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 1134	Tuesday, February 15, 1994	1:30 p.m.
LB 1356	Tuesday, February 15, 1994	1:30 p.m.
LB 1208	Tuesday, February 15, 1994	1:30 p.m.
LB 1211	Wednesday, February 16, 1994	1:30 p.m.
LB 1191	Wednesday, February 16, 1994	1:30 p.m.
LB 1192	Wednesday, February 16, 1994	1:30 p.m.
LB 1193	Wednesday, February 16, 1994	1:30 p.m.
LB 1194	Wednesday, February 16, 1994	1:30 p.m.
LB 1195	Wednesday, February 16, 1994	1:30 p.m.
LB 1196	Wednesday, February 16, 1994	1:30 p.m.
LB 1197	Wednesday, February 16, 1994	1:30 p.m.
LB 1198	Wednesday, February 16, 1994	1:30 p.m.
LB 1199	Wednesday, February 16, 1994	1:30 p.m.
LB 1006	Wednesday, February 16, 1994	1:30 p.m.

(Signed) Scott Moore, Chairperson

SELECT FILE

LEGISLATIVE BILL 254. Mr. Chambers withdrew his pending amendment, FA327, found in the Journal on page 518.

Mr. Kristensen offered the following amendment:
AM3035

(Amendments to AM2284)

1. On page 2, strike beginning with the first "the" in line 9 through "county" in line 10 and insert "an area within twenty-five miles of the boundaries of the law enforcement officer's primary jurisdiction".

Messrs. Bromm and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

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

Messrs. Byars and Moore asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Ashford offered the following amendment:
FA351

Add subsection 1(c) Commencing by July 1, 1995 a law enforcement officer who engages in a pursuit shall be trained in pursuit practices.

Messrs. Hartnett and Avery asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Ashford moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Ashford requested a roll call vote on his amendment.

Voting in the affirmative, 9:

Ashford	Hall	Lynch	Preister	Wesely
Chambers	Lindsay	Monen	Robak	

Voting in the negative, 19:

Crosby	Fisher	Jones	Pirsch	Wehrbein
Cudaback	Haberman	Kristensen	Robinson	Wickersham
Day	Hudkins	Landis	Schmitt	Witek
Engel	Janssen	Matzke	Vrtiska	

Present and not voting, 8:

Bernard-Stevens	Beutler	Coordsen	Hillman	Schimek
	Bohlke	Elmer	McKenzie	

Absent and not voting, 1:

Pedersen

Excused and not voting, 12:

Abboud	Byars	Moore	Schellpeper	Will
Avery	Dierks	Rasmussen	Warner	Withem
Bromm	Hartnett			

The Ashford amendment lost with 9 ayes, 19 nays, 8 present and not voting, 1 absent and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Mr. Kristensen requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 33 ayes, 1 nay, 4 present and not voting, and 11 excused and not voting.

Messrs. Fisher and Warner asked unanimous consent to be excused until they return. No objections. So ordered.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 1311. Placed on General File as amended.
Standing Committee amendment to LB 1311:
AM3016

1. On page 3, line 7, after "parent" insert ", custodial parent,"; and in line 18 after "(3)" insert "Whenever students from more than one family travel to school in the same vehicle, the transportation allowance prescribed in subsection (2) of this section shall be payable as follows:

(a) To the parent, custodial parent, or guardian providing transportation for students from other families, one hundred percent of the amount prescribed in subsection (2) of this section for the transportation of students of such parent's, custodial parent's, or guardian's own family and an additional five percent for students of each other family, not to exceed a maximum of one hundred twenty-five percent of the amount determined pursuant to subsection (2) of this section; and

(b) To the parent, custodial parent, or guardian not providing transportation for students of other families, the payment determined above shall be two hundred eighty-five percent of the mileage rate provided in section 81-1176 multiplied by each mile actually and necessarily traveled, on each day of attendance, from the residence of the student to the pick-up point at which students transfer to the vehicle of a parent, custodial parent, or guardian described in subdivision (a) of this subsection.

(4)".

2. On page 4, line 2, strike "(4)" and insert "(5)".

(Signed) Ardyce Bohlke, Chairperson

Judiciary

LEGISLATIVE BILL 888. Placed on General File.
LEGISLATIVE BILL 1326. Placed on General File.
LEGISLATIVE BILL 1329. Placed on General File.

LEGISLATIVE BILL 518. Placed on General File as amended.
Standing Committee amendment to LB 518:
AM2695

1. Strike the original sections and insert the following new sections:

"Section 1. That section 29-3701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-3701. (1) Following receipt of a verdict of

acquittal on grounds of insanity, the court shall forthwith conduct a hearing to determine whether there is probable cause to believe the person is dangerous to himself, herself, or others by reason of mental illness or defect; or will be so dangerous in the foreseeable future, as demonstrated by ~~an overt act or threat~~ omissions, threats, or overt acts. In making this determination the court shall consider all evidence adduced at trial and all additional relevant evidence. If the court finds probable cause it shall order an evaluation not to exceed ninety days in length of the person's mental condition and a treatment plan pursuant to subsection (4) of this section. The evaluation of the person may be conducted as an outpatient at a regional center or other appropriate facility if the court finds by clear and convincing evidence that the person poses no current danger to society at the time of the probable cause hearing and will not become a danger to society during the evaluation period. Otherwise the evaluation of the person shall be conducted as an inpatient at a locked and secure regional center facility or other appropriate locked and secure facility. When the court orders such an inpatient evaluation, the court shall specify in a detailed written order all conditions of the person's confinement during the evaluation and under what, if any, circumstances the person may leave the locked and secure facility. The written order specifying the conditions of confinement shall include a finding by the court that any freedom of movement accorded the person outside a locked and secure facility is consistent with the safety of the public. ~~If the court finds probable cause, the court shall determine whether and under what conditions of confinement the acquitted person should be committed to a regional center or other appropriate facility for a period not to exceed ninety days for an evaluation of the person's mental condition and for the preparation of a treatment plan pursuant to subsection (4) of this section. When the court commits the person for evaluation, the court shall specify all conditions of the person's confinement during the evaluation including, but not limited to, all circumstances under which the person may leave a locked facility at the place of confinement. The order of commitment specifying the conditions of confinement shall include a finding by the court that any freedom of movement accorded the person outside a locked facility is consistent with the safety of the public.~~

(2) The superintendent of the regional center or the director of the facility to which the person has been ~~committed~~ referred or confined for evaluation shall be responsible for supervising the evaluation and the preparation of an individualized treatment plan.

(3) The report of the evaluation shall address the

following to the extent that the available information allows: (a) The person's psychological condition at the time of the evaluation; (b) the probable course of development of the person's condition, with special attention to the probable relationship between the person's current condition and the person's condition at the time of any omissions, threats, or overt acts establishing dangerousness, including the crime for which he or she was acquitted on grounds of insanity; (c) the probable relationship, if any, between the previous omissions, threats, or overt acts establishing dangerousness and the person's condition at the time of the omissions, threats, or overt acts; and (d) the prognosis for change in the person's condition in light of available treatment. ~~evaluation shall include a determination of whether the person is dangerous to himself, herself, or others by reason of mental illness or defect, or will be so dangerous in the foreseeable future, as demonstrated by an overt act or threat.~~

(4) The individualized treatment plan shall contain a statement of the nature of the specific mental and physical problems and needs of the person, a statement of the least restrictive treatment conditions necessary to achieve the purposes of the plan, a statement of the least restrictive treatment conditions consistent with the safety of the public, and a description of intermediate and long-range treatment goals and a projected timetable for their attainment.

(5) Such evaluation and treatment plan shall include the facts upon which conclusions stated therein are based and shall be received by the court at least ten days prior to the expiration of the evaluation period. Copies of the evaluation and treatment plan shall be furnished to the prosecuting attorney and to the person.

(6) If the person desires a separate evaluation, he or she may file a motion with the court requesting an evaluation by one or more qualified experts of his or her choice. Such evaluation shall be at the person's expense unless otherwise ordered by the court. Any such expert evaluating a person pursuant to this subsection shall have access to the person's records at his or her place of confinement. The court may extend the person's ~~commitment~~ referral or confinement for an additional period not to exceed sixty days, if necessary to permit completion of the separate evaluation. The evaluation shall include the facts upon which conclusions stated therein are based and shall be received by the court at least ten days prior to the expiration of the evaluation period. A copy of such evaluation shall be furnished the prosecuting attorney.

Sec. 2. That section 29-3702, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-3702. (1) Prior to the expiration of the

evaluation period provided for in section 29-3701, the court shall conduct an evidentiary hearing regarding the condition of the person, at which time a representative of the facility where he or she was evaluated may testify as to the results of the evaluation and the contents of the treatment plan. Based upon the results of the evaluation, evidence adduced at trial, evidence of other omissions, threats, or overt acts indicative of dangerousness, and any other relevant evidence, the court shall determine whether the person is dangerous to himself, herself, or others by reason of mental illness or defect, will be so dangerous in the foreseeable future, or will be so dangerous absent continuing participation in appropriate treatment.

(2) If the court does not find that there is clear and convincing evidence of such dangerousness, as demonstrated by omissions, threats, or overt acts, the court shall unconditionally release the person from further court-ordered treatment. If the court finds clear and convincing evidence of such dangerousness, as demonstrated by omissions, threats, or overt acts, the court shall order that such person participate in an appropriate treatment program specifying conditions of liberty and monitoring consistent with the treatment needs of the person and the safety of the public. The treatment program may involve any public or private facility or program which offers treatment for mental illness and may include an inpatient, residential, day, or outpatient setting. The court shall place the person in the least restrictive available treatment program that is consistent with the treatment needs of the person and the safety of the public. ~~If the court determines that there is clear and convincing evidence that the person is dangerous to himself, herself, or others by reason of mental illness or defect, or will be so dangerous in the foreseeable future, as demonstrated by an overt act or threat, the court shall commit the person for treatment to one of the regional centers or other appropriate facility. The court shall specify the conditions of confinement regarding the person's freedom of movement outside locked facilities at the place of confinement, including whether or not the facility may grant the person leave into the community for any period of time, however short. The order of commitment specifying the conditions of confinement shall include a finding by the court that any freedom of movement accorded the person outside a locked facility is consistent with the safety of the public.~~ Personnel at the facility providing the treatment program shall obey the court-ordered conditions, and any person who fails to do so shall upon conviction be subject to the full contempt powers of the court.

Sec. 3. That section 29-3703, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

29-3703. (1) The court which tried a person who is found not responsible by reason of insanity shall annually and may, upon its own motion or upon motion of the person or the prosecuting attorney, review the records of such person and conduct an evidentiary hearing on the status of the person. The court may, upon its own motion or upon a motion by the person or the prosecuting attorney, order an independent psychiatric or psychological evaluation of the person. The court shall consider the results of the evaluation at the evidentiary hearing. When the independent evaluation is conducted pursuant to a motion by the court or the prosecuting attorney, the cost of such independent evaluation shall be the expense of the county. When the evaluation is conducted pursuant to a motion by the person and if the person is not indigent, the cost of the evaluation shall be borne by the person.

(2) If as a result of such hearing the court finds that such person is no longer dangerous to himself, herself, or others by reason of mental illness or defect, and will not be so dangerous in the foreseeable future, the court shall order such person unconditionally released from ~~further confinement~~ court-ordered treatment. If the court does not so find, the court shall order that such person ~~returned to an appropriate facility under an appropriate treatment plan and conditions of confinement. The court may place the person in a less restrictive setting only if it finds that such placement is consistent with the safety of the public~~ participate in an appropriate treatment program specifying conditions of liberty and monitoring consistent with the treatment needs of the person and the safety of the public. The treatment program may involve any public or private facility or program which offers treatment for mental illness and may include an inpatient, residential, day, or outpatient setting. The court shall place the person in the least restrictive available treatment program that is consistent with the treatment needs of the person and the safety of the public.

(3) If the person has been treated in a regional center or other appropriate facility and is ordered placed in a less restrictive treatment program, the regional center or other appropriate facility shall develop an individual discharge plan consistent with the order of the court and shall provide the less restrictive treatment program a copy of the discharge plan and all relevant treatment information.

(4) Upon motion of the prosecuting attorney or upon its own motion, but at least annually, the court shall hold a hearing to determine whether the person is complying with the conditions set by the court. Upon an initial showing of

probable cause by affidavit or sworn testimony that the person is not complying with the court-ordered conditions, the court may issue a warrant directing the sheriff or any peace officer to take the person into custody and place him or her into a mental health center, regional center, or other appropriate facility with available space where he or she shall be held pending the hearing. When a person has been taken into custody pursuant to this subsection, the hearing shall be held within ten days. Following the hearing, the court shall determine whether placement in the current treatment program should be continued or ceased and whether the conditions of the placement should be continued or modified.

(5) Any treatment program to which a person is committed on the effective date of this act under this section or section 29-3702 shall submit reports to the trial court and the prosecuting attorney documenting the treatment progress of that person at least annually. Additionally, if the person fails to comply with any condition specified by the court, the court and the prosecuting attorney shall be notified forthwith.

Sec. 4. That original sections 29-3701 to 29-3703, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

LEGISLATIVE BILL 1010. Placed on General File as amended.
Standing Committee amendment to LB 1010:
AM2947

1. Strike the original sections and insert the following new sections:

"Section 1. That section 24-803, Revised Statutes Supplement, 1992, be amended to read as follows:

24-803. (1) ~~As~~ Except as provided in subsection (3) of this section, as the term of a member of a judicial nominating commission initially appointed or selected expires, the term of office of each successor member shall be for a period of four years. The Governor shall appoint all successor members of each nominating commission who are judges of the Supreme Court and citizen members. The Governor shall, each second year, appoint two alternate citizen members. The term of office of an alternate citizen member of a commission shall be for a period of four years. The lawyers residing in the judicial district or area of the state served by a judicial nominating commission shall select all successor and alternate lawyer members of such commission in the manner prescribed in section 24-806. The term of office of an alternate lawyer member of a commission shall be for a period of ~~two~~ four years. No member of any nominating commission, including the Supreme Court member of any such commission, shall serve more than a total of eight consecutive years as a member of the commission, and if such member has served for

more than six years as a member of the commission, he or she shall not be eligible for reelection or reappointment. Alternate lawyer and citizen members shall be selected to fill vacancies in their order of election or appointment.

(2) For purposes of this section and Article V, section 21, of the Constitution of Nebraska, a member of a judicial nominating commission shall be deemed to have served on such commission if he or she was a member of the commission at the time of the publication of the notice required by subsection (5) of section 24-810.

(3) On and after the effective date of this act, the judicial nominating commissions for the office of judge of the district court shall serve as the judicial nominating commissions for the office of judge of the county court for counties located within the district court judicial districts served, except that county court districts 1, 3, 4, and 10 shall each have a judicial nominating commission.

Sec. 2. That original section 24-803, Revised Statutes Supplement, 1992, is repealed.".

LEGISLATIVE BILL 1308. Placed on General File as amended.
Standing Committee amendment to LB 1308:
AM2914

1. On page 2, line 4, reinstate the stricken matter.

LEGISLATIVE BILL 1142. Indefinitely postponed.
LEGISLATIVE BILL 1332. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

Natural Resources

LEGISLATIVE BILL 1031. Placed on General File.

(Signed) Chris Beutler, Chairperson

MESSAGE FROM THE GOVERNOR

February 8, 1994

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, and 859 were received in my office on February 3, 1994.

These bills were signed by me on February 8, 1994, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

UNANIMOUS CONSENT - Print in Journal

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 291 in the Journal. No objections. So ordered.

AM2900

(Amendments to E & R amendments, AM5615)

1. Insert the following new section:

"Sec. 3. That section 71-5009, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5009. The six mental health regional governing boards shall offer comprehensive community mental health, drug abuse, and alcoholism programs, services, and facilities. The boards shall provide funds for such community-based projects. Federal funding, private sources, third-party payments, and fees collected may be used as sources of necessary funds. ~~The state shall provide seventy-five percent of the funds required to provide the services for each region, exclusive of federal funding, private sources, third-party payments, and fees collected under the provisions of sections 71-5001 to 71-5014, except that no state funds shall be provided to support any program, serving a local municipal population of twenty thousand or less, which maintains an office or operates a program within a five-mile radius of a state regional center when in the judgment of the director such office or program unnecessarily duplicates or fails to utilize facilities available at the state regional center. Local, county, and other tax-generated sources shall account for twenty-five percent of the funds required prior to fiscal year 1988-89. Funds provided by the regional governing boards for mental health services shall continue to be provided in an amount which is not less than the total amount contributed as certified matching funds for the fiscal year 1987-88. For any state funds provided in excess of the state funds provided during fiscal year 1987-88, not less than forty percent of the local contribution shall be provided by local and county taxes and the remainder shall come from other nonfederal sources.~~ Each regional governing board shall provide one dollar for every three dollars provided from the General Fund. Of the

amount provided by each regional governing board, not less than forty percent shall be provided by local and county taxes and the remainder shall come from other nonfederal sources. Funds provided by the regional governing boards for mental health and alcohol and drug abuse services shall continue to be provided in an amount which is not less than the total amount contributed as certified matching funds for the fiscal year 1993-94. The regional governing boards shall account for all sources and expenditure of funds for any agency receiving any state funds under the ~~provisions of sections 71-5001 to 71-5014~~ Nebraska Comprehensive Community Mental Health Services Act.".

2. On page 6, line 14, strike "and 71-5008" and insert ", 71-5008, and 71-5009".

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 647 in the Journal. No objections. So ordered.

AM2932

1. Insert the following new sections:

"Sec. 5. (1) The State Board of Education shall establish the Learners With High Ability Pilot Project Program. The department, with the assistance of a Learners With High Ability Pilot Project Steering Committee appointed by the board, shall establish guidelines and criteria for pilot projects. Committee members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177. Based on such criteria and guidelines, the board shall request proposals from local school districts, educational service units, and cooperatives of school districts and select four proposals for learners with high ability pilot projects. Each project selected shall be provided funds of up to one hundred thousand dollars per year.

(2) One pilot project shall be located in each of the three congressional districts and one shall be located at large according to the decision of the department. At least one of the pilot projects selected shall be in a rural school district and at least one shall be in an urban school district.

(3) The pilot projects shall be funded for two fiscal years, FY1994-95 and FY1995-96. The department shall conduct an overall evaluation of the success or failure of the projects and the costs thereof. A report evaluating the projects shall be made to the board and the Legislature by August 1, 1996. Based on such report, the board shall make recommendations to the Legislature regarding the standards for and minimum level of expenditures necessary to establish and offer a quality learner with high ability program in a school district. The board shall submit as part of its biennial

budget request for fiscal year 1997-98 an expansion request for state funds to reimburse school districts for the cost of providing learners with high ability programs and services as described in sections 1 to 4 of this act.

(4) The pilot projects shall not be included as other actual receipts for purposes of section 79-3811 and shall be excluded from general fund operating expenditures for purposes of section 79-3803.

Sec. 7. That section 79-3803, Revised Statutes Supplement, 1992, be amended to read as follows:

79-3803. For purposes of the Tax Equity and Educational Opportunities Support Act:

(1) Adjusted valuation shall mean the assessed valuation of taxable property of each district in the state adjusted pursuant to the adjustment factors described in section 79-3809, except that for purposes of determining the local effort rate yield pursuant to section 79-3808, adjusted valuation shall not include the value of any property which a court, by a final judgment from which no appeal is taken, has declared to be nontaxable or exempt from taxation;

(2) Allocated income tax funds shall mean the amount of assistance paid to a district pursuant to section 79-3804;

(3) Average daily membership shall mean the average daily membership for grades kindergarten through twelve as provided in each district's annual financial report and annual statistical summary and, for the calculation of state aid to be paid in school year 1993-94 and each school year thereafter, shall include the proportionate share of students enrolled in a public school instructional program on less than a full-time basis;

(4) Average daily membership tiers shall mean groupings of districts by the number of students comprising a district's average daily membership in a specified grade range;

(5) Board shall mean the school board or board of education of each school district;

(6) Categorical federal funds shall mean federal funds limited to a specific purpose by federal law, including, but not limited to, Chapter 1 funds, Chapter 2 funds, Title VI funds, federal vocational education funds, federal school lunch funds, Indian education funds, and Head Start funds;

(7) Current school year shall mean the current school fiscal year;

(8) Department shall mean the State Department of Education;

(9) District shall mean any Class I, II, III, IV, V, or VI district and, for purposes of sections 79-3801 to 79-3813, the nonresident high school tuition fund of each county;

(10) Ensuing school year shall mean the school year following the current school year;

(11) Equalization aid shall mean the amount of assistance paid to a district pursuant to sections 79-3806 to 79-3813;

(12) Fiscal year shall mean the state fiscal year which is the period from July 1 to the following June 30;

(13) Formula students shall mean the sum of average daily membership and tuitioned resident students;

(14) Full-day kindergarten shall mean kindergarten offered by a district for at least one thousand thirty-two instructional hours;

(15) General fund budget of expenditures shall mean the total budgeted expenditures for general fund purposes as certified in the budget statement adopted pursuant to the Nebraska Budget Act, except that for purposes of the limitation imposed in section 79-3814, the general fund budget of expenditures shall not include any special grant funds, exclusive of local matching funds, received by a district subject to the approval of the department;

(16) General fund expenditures shall mean all expenditures from the general fund;

(17) General fund operating expenditures shall mean the total general fund expenditures minus categorical federal funds, tuition paid, transportation fees paid to other districts, adult education, summer school, school lunch pass-through, community services, redemption of the principal portion of general fund debt service, ~~and~~ transfers from other funds into the general fund, and funds received related to pilot projects provided pursuant to section 5 of this act;

(18) Income tax liability shall mean the amount of the reported income tax liability for resident individuals pursuant to the Nebraska Revenue Act of 1967 less all nonrefundable credits earned and refunds made;

(19) Income tax receipts shall mean the amount of income tax collected pursuant to the Nebraska Revenue Act of 1967 less all nonrefundable credits earned and refunds made;

(20) Most recently available complete data year shall mean the most recent single school fiscal year for which the annual financial report, fall school district membership report, annual statistical summary, Nebraska income tax liability by school district, and adjusted valuation data are available;

(21) State aid shall mean the amount of assistance paid to a district pursuant to sections 79-3804 and 79-3806 to 79-3813;

(22) State board shall mean the State Board of Education;

(23) State support shall mean all funds provided to

districts by the State of Nebraska for the general fund support of elementary and secondary education; and

(24) Tuitioned resident students shall mean resident students in grades kindergarten through twelve of the district whose tuition is paid by the district to some other district or education agency.

Sec. 8. That section 79-3811, Revised Statutes Supplement, 1992, be amended to read as follows:

79-3811. District formula resources shall include other actual receipts as determined by the department for the most recently available complete data year, except that receipts from the Community Improvements Cash Fund, ~~and~~ receipts acquired pursuant to the Low-Level Radioactive Waste Disposal Act, and funds received related to pilot projects provided pursuant to section 5 of this act shall not be included. Other actual receipts shall include:

(1) Public power district sales tax revenue;

(2) Fines and license fees;

(3) Nonresident high school tuition receipts, except that for the calculation of state aid to be paid in school years 1992-93, 1993-94, and 1994-95, other actual receipts shall include the district's total nonresident high school tuition charge for each such school year as certified by the department pursuant to section 79-4,102;

(4) Tuition receipts from individuals, other districts, or any other source except those derived from adult education;

(5) Transportation receipts;

(6) Interest on investments;

(7) Other miscellaneous local receipts, not including receipts from private foundations, individuals, associations, or charitable organizations;

(8) Special education receipts;

(9) Receipts from the state for wards of the court and wards of the state;

(10) All receipts from the Temporary School Fund;

(11) Receipts from the Insurance Tax Fund;

(12) Pro rata motor vehicle license fee receipts;

(13) Help Education Lead to Prosperity Act funds;

(14) Amounts provided by the state on behalf of the district as reimbursement for repayment of personal property taxes by centrally assessed pipeline companies pursuant to section 77-3617;

(15) Other miscellaneous state receipts excluding revenue from the textbook loan program authorized by section 79-4,118;

(16) Impact aid entitlements for the school fiscal year which have actually been received by the district to the extent allowed by federal law;

(17) All other noncategorical federal receipts;

(18) All receipts pursuant to Chapter 79, article 34; and

(19) Receipts under the Medicare Catastrophic Coverage Act of 1988 as authorized pursuant to sections 43-2510 and 43-2511 but only to the extent of the amount the district would have otherwise received pursuant to the Special Education Act.".

2. On page 7, line 20, strike "section 9-812" and insert "sections 9-812, 79-3803, and 79-3811"; and in line 21 strike "is" and insert "are".

3. In the Standing Committee amendment, AM0583:

a. On page 1, line 6, strike "shall" and insert "is encouraged to"; strike beginning with "lines" in line 16 through "in" in line 17; and in line 17 after "8" insert a comma; and

b. On page 2, line 8, strike beginning with "and" through the last quotation marks.

4. Renumber the remaining sections accordingly.

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 681 in the Journal. No objections. So ordered.

AM3005

1. Insert the following new sections:

"Sec. 2. That section 76-214, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-214. Every grantee who has a deed to real estate recorded, which deed was executed after July 21, 1965, shall at the time such deed is presented for recording file with the register of deeds a completed statement as prescribed by the Tax Commissioner. ~~For all deeds executed and recorded after January 1, 1986, the statement shall contain the social security number of the grantee, if living, or the federal employer identification number of the grantee.~~ This statement may require the recitation of any information contained in the deed, the total consideration paid, the amount of the total consideration attributable to factors other than the purchase of the real estate itself, and other factors which may influence the transaction. This statement shall be signed and filed by the grantee or his or her authorized agent. If the grantee fails to furnish such statement, the register of deeds shall not record the deed. The register of deeds shall indicate on the statement the book and page or computer system reference where the deed is recorded and shall immediately forward the statement to the county assessor. The county assessor shall process the statement according to the instructions of the Tax Commissioner and shall, when directed, forward the statement to the Tax Commissioner. This statement

and the information contained therein shall be confidential and available to tax officials and registered, licensed, or certified real estate appraisers only.

Sec. 3. That original section 76-214, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. Insert underscoring in original section 1 and all amendments thereto.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

The Committee on Government, Military and Veterans Affairs desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Ellen Lierk - Nebraska Accountability and Disclosure Commission

VOTE: Aye: Senators Cudaback, Janssen, Pirsch, Robinson, Schimek, Schmitt, and Witek. Absent: Senator Haberman.

The Committee on Government, Military and Veterans Affairs desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Virgie Louis - Nebraska State Personnel Board

VOTE: Aye: Senators Haberman, Pirsch, Schimek, Schmitt, and Witek. Not Voting: Senator Janssen. Absent: Senators Cudaback and Robinson.

(Signed) DiAnna R. Schimek, Chairperson

SELECT FILE

LEGISLATIVE BILL 511. E & R amendment, AM5613, found in the Journal on page 409, was adopted.

Mr. Robinson renewed his pending amendment, AM2875, found in the Journal on page 507.

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

Mr. Robinson moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Robinson requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Bromm	Engel	Matzke	Pirsch	Warner
Coordsen	Janssen	Monen	Robinson	Wehrbein
Crosby	Jones	Moore	Schmitt	Witek
Day	Lynch			

Voting in the negative, 18:

Ashford	Bohlke	Hudkins	McKenzie	Schimek
Bernard-Stevens	Haberman	Kristensen	Pedersen	Wesely
Beutler	Hall	Landis	Rasmussen	Will
	Hillman	Lindsay	Schellpeper	

Present and not voting, 8:

Byars	Dierks	Preister	Vrtiska	Wickersham
Chambers	Elmer	Robak		

Excused and not voting, 6:

Abboud	Cudaback	Fisher	Hartnett	Withem
Avery				

The Robinson amendment lost with 17 ayes, 18 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Robinson requested a machine vote on the advancement of the bill.

Mr. Will moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Will requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Ashford	Crosby	Hudkins	Moore	Vrtiska
Bernard-Stevens	Elmer	Kristensen	Pedersen	Warner
Beutler	Haberman	Landis	Rasmussen	Wesely
Bohlke	Hall	Lindsay	Schellpeper	Wickersham
Chambers	Hillman	McKenzie	Schimek	Will

Voting in the negative, 14:

Abboud	Day	Lynch	Pirsch	Wehrbein
Bromm	Engel	Matzke	Robinson	Witek
Byars	Jones	Monen	Schmitt	

Present and not voting, 5:

Coordsen	Dierks	Janssen	Preister	Robak

Excused and not voting, 5:

Avery	Cudaback	Fisher	Hartnett	Withem

Advanced to E & R for engrossment with 25 ayes, 14 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Messrs. Robinson and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Suspend Rules

Mr. Moore moved to suspend the rules, Rule 3, Section 13, so as to permit the scheduling of hearings by the Appropriations Committee.

The Moore motion to suspend the rules prevailed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 407. E & R amendment, AM5628, found in the Journal on page 522, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 490. E & R amendment, AM5629, printed separately from the Journal and referred to on page 523, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 416. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1019. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1027. Advanced to E & R for engrossment.
LEGISLATIVE BILL 934. Advanced to E & R for engrossment.

LEGISLATIVE BILL 608. E & R amendment, AM5632, found in the Journal on page 529, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 608A. E & R amendment, AM5633, found in the Journal on page 529, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 398. Advanced to E & R for engrossment.
LEGISLATIVE BILL 451. Advanced to E & R for engrossment.

LEGISLATIVE BILL 424. E & R amendment, AM5641, found in the Journal on page 538, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 630. E & R amendment, AM5645, found in the Journal on page 542, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 642. E & R amendment, AM5640, found in the Journal on page 551, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 642A. E & R amendment, AM5646, found in the Journal on page 554, was adopted.

Advanced to E & R for engrossment.

NOTICE OF COMMITTEE HEARING
Appropriations

LB 1168	Monday, February 14, 1994	1:30 p.m.
LB 1045	Monday, February 14, 1994	1:30 p.m.
LB 1289	Monday, February 14, 1994	1:30 p.m.
LB 991	Monday, February 14, 1994	1:30 p.m.

(Signed) Scott Moore, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 1000A. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1000, Ninety-third Legislature, Second Session, 1994.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE RESOLUTION 29CA. Placed on Select File as amended.
E & R amendment to LR 29CA:
AM5651

1. In lieu of the Beutler amendment, FA347, in the Pirsch amendment, AM2689, on page 1, lines 23 and 24; and page 2, lines 24 and 25, strike "to pay the cost of implementing crime victims rights and".

2. On page 1, line 4, strike "FIRST" and insert "SECOND".

(Signed) Janis McKenzie, Chairperson

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 1087. Placed on General File.
LEGISLATIVE BILL 1174. Placed on General File.

LEGISLATIVE BILL 875. Indefinitely postponed.
LEGISLATIVE BILL 897. Indefinitely postponed.
LEGISLATIVE BILL 1112. Indefinitely postponed.
LEGISLATIVE BILL 1242. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

Natural Resources

LEGISLATIVE BILL 916. Placed on General File as amended.
Standing Committee amendment to LB 916:
AM2979

1. On page 3, line 16, after "corporations" insert "if the money so invested is only used for the purpose of funding the acquisition of an office headquarters facilities or reinvested in investments authorized by this section or other investments which have been approved by the state investment officer. Any public power district which has invested money pursuant to subdivision (10) of this section shall be given a security interest in the office headquarters facility upon its acquisition".

(Signed) Chris Beutler, Chairperson

Education

LEGISLATIVE BILL 1063. Placed on General File as amended. (Standing Committee amendment, AM3038, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Ardyce Bohlke, Chairperson

Agriculture

LEGISLATIVE BILL 1071. Placed on General File.

LEGISLATIVE BILL 1165. Placed on General File as amended. Standing Committee amendment to LB 1165:
AM2988

1. Insert the following new sections:

"Sec. 6. That section 37-102, Revised Statutes Supplement, 1993, be amended to read as follows:

37-102. Sections 37-101 to 37-726 and 37-1401 to 37-1408 and section 20 of this act shall be known and may be cited as the Game Law.

Sec. 20. (1) An aquaculturist who knows that aquatic organisms owned or controlled by him or her are affected with prohibited pathogens shall at once report such fact to the commission, stating all facts known to him or her with reference to the prohibited pathogens.

(2) If an aquaculture facility has aquatic organisms affected with prohibited pathogens, the commission may quarantine the aquaculture facility and may order the destruction of the affected aquatic organisms upon a determination that a situation of imminent danger to existing aquatic organisms or human health and safety exists and that no more reasonable means exist to control the situation. A notice shall be posted at the quarantined aquaculture facility and a written notice shall be sent to the owner or operator of the aquaculture facility.

(3) The commission may revoke the aquaculture facility license of an aquaculture facility if the owner or operator does not comply with this section or a quarantine issued pursuant to this section.".

2. On page 6, line 9, strike the second "and" and insert an underscored comma; in line 10 after "Agriculture" insert ", and University of Nebraska Institute of Agriculture and Natural Resources"; in line 14 strike "and"; and in line 18 after "use" insert "; and

(4) Review any orders of the Game and Parks Commission for the quarantine or destruction of aquatic organisms which are affected with prohibited pathogens. The board may make recommendations to the commission regarding such orders".

3. On page 19, line 17, after the first comma insert "37-102,".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 548. Indefinitely postponed.

(Signed) Merton L. Dierks, Chairperson

Revenue

LEGISLATIVE BILL 910. Placed on General File as amended.
Standing Committee amendment to LB 910:
AM3030

1. Strike original sections 5 to 7 and insert the following new sections:

"Sec. 5. That section 77-3507, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3507. (1) All homesteads in this state shall be assessed for taxation the same as other property, except that there shall be exempt from taxation a percentage of the first ~~thirty-five~~ forty-five thousand dollars of the actual value of the homestead of qualified claimants based on the household income of a claimant pursuant to ~~subsection (2)~~ subsections (2) and (3) of this section.

(2) For a qualified married claimant, the percentage of the exemption for which the claimant shall be eligible shall be the percentage in Column B which corresponds with the claimant's income in Column A in the table found in this subsection.

~~Column A~~	~~Column B~~
~~Household Income~~	~~Percentage~~
~~In Dollars~~	~~Of Relief~~
~~0 through 10,400~~	~~100~~
Column A	Column B
Household Income	Percentage
In Dollars	Of Relief
0 through 14,000	100
14,001 through 15,500	90
15,501 through 17,000	80
17,001 through 18,500	70
18,501 through 20,000	60
20,001 through 21,500	50
21,501 through 23,000	40
23,001 through 24,500	30
24,501 through 26,000	20
26,001 through 27,500	10
27,501 and over	0

(3) For a qualified single claimant, the percentage

of the exemption for which the claimant shall be eligible shall be the percentage in Column B which corresponds with the claimant's household income in Column A in the table found in this subsection.

Column A Household Income In Dollars	Column B Percentage Of Relief
0 through 10,000	100
10,001 through 11,125	90
11,126 through 11,250	80
12,251 through 13,375	70
13,376 through 14,500	60
14,501 through 15,625	50
15,626 through 16,750	40
16,751 through 17,875	30
17,876 through 19,000	20
19,001 through 20,125	10
20,126 and over	0

Sec. 6. That section 77-3508, Revised Statutes Supplement, 1992, be amended to read as follows:

77-3508. (1) All homesteads in this state shall be assessed for taxation the same as other property, except that there shall be exempt from taxation a percentage of the first ~~thirty-five~~ forty-five thousand dollars of the actual value of any homestead of (a) veterans, as defined in section 80-401.01, who are totally disabled by a non-service-connected accident or illness, (b) individuals who are paralyzed in both legs such as to preclude locomotion without the regular aid of braces, crutches, canes, or wheelchairs, (c) individuals who have undergone amputation of both lower extremities such as to preclude locomotion without the regular aid of braces, crutches, canes, wheelchairs, or artificial limbs, (d) individuals with progressive neuromuscular or neurological disease such as to preclude locomotion without the regular aid of braces, crutches, canes, wheelchairs, or artificial limbs or who have permanently lost the use or control of both arms, and (e) individuals who have undergone amputation of both arms above the elbow. The exemption shall be based on the household income of a claimant pursuant to ~~subsection (2)~~ subsections (2) and (3) of this section. Application for such exemption shall include certification from a qualified medical physician for subdivisions (1)(a) through (1)(e) of this section or certification from the United States Department of Veterans Affairs affirming that the homeowner is totally disabled due to non-service-connected accident or illness for subdivision (1)(a) of this section. Such certification from a qualified medical physician shall be made on forms prescribed by the Department of Revenue.

(2) For a married claimant as described in

subsection (1) of this section, the percentage of the exemption for which the claimant is eligible shall be the percentage in Column B which corresponds with the claimant's household income in Column A in the table found in this subsection.

~~Column A~~ ~~Household Income~~ ~~In Dollars~~	~~Column B~~ ~~Percentage~~ ~~Of Relief~~
~~0 through 10,400~~	~~100~~
Column A Household Income In Dollars	Column B Percentage Of Relief
0 through 14,000	100
14,001 through 15,500	90
15,501 through 17,000	80
17,001 through 18,500	70
18,501 through 20,000	60
20,001 through 21,500	50
21,501 through 23,000	40
23,001 through 24,500	30
24,501 through 26,000	20
26,001 through 27,500	10
27,501 and over	0

(3) For a single claimant as described in subsection (1) of this section, the percentage of the exemption for which the claimant is eligible shall be the percentage in Column B which corresponds with the claimant's household income in Column A in the table found in this subsection.

Column A Household Income In Dollars	Column B Percentage Of Relief
0 through 10,000	100
10,001 through 11,125	90
11,126 through 11,250	80
12,251 through 13,375	70
13,376 through 14,500	60
14,501 through 15,625	50
15,626 through 16,750	40
16,751 through 17,875	30
17,876 through 19,000	20
19,001 through 20,125	10
20,126 and over	0

Sec. 7. That section 77-3509, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3509. (1) All homesteads in this state shall be assessed for taxation the same as other property, except that there shall be exempt from taxation a percentage of the first ~~thirty-five~~ forty-five thousand dollars of the actual value of any homestead of the following:

(a) Any veteran as defined in section 80-401.01 drawing compensation from the United States Department of Veterans Affairs because of one hundred percent disability and not eligible for total exemption under sections 77-3526 to 77-3528 or the unremarried widow or widower of such veteran;

(b) The unremarried widow or widower of any veteran, including those not listed in section 80-401.01, who died because of a service-connected disability;

(c) The unremarried widow or widower of a serviceman or servicewoman who died while on active duty during the dates described in section 80-401.01; or

(d) The unremarried widow or widower of a serviceman or servicewoman, including those not listed in section 80-401.01, whose death while on active duty was service-connected.

The exemption shall be based on the household income of a claimant pursuant to ~~subsection (2)~~ subsections (2) and (3) of this section. Application for exemption under this section shall include certification of the status set forth in this section from the United States Department of Veterans Affairs.

(2) For a married claimant as described in subsection (1) of this section, the percentage of the exemption for which the claimant is eligible shall be the percentage in Column B which corresponds with the claimant's household income in Column A in the table found in this subsection.

~~Column A Household Income In Dollars~~	~~Column B Percentage Of Relief~~
~~0 through 15,000~~	~~100~~
~~15,001 through 16,000~~	~~80~~
~~16,001 through 17,000~~	~~60~~
~~17,001 through 18,000~~	~~40~~
~~18,001 through 19,000~~	~~20~~
Column A Household Income In Dollars;	Column B Percentage Of Relief
0 through 17,000	100
17,001 through 18,500	90
18,501 through 20,000	80
20,001 through 21,500	70
21,501 through 23,000	60
23,001 through 24,500	50
24,501 through 26,000	40
26,001 through 27,500	30
27,501 through 29,000	20
29,001 through 30,500	10
30,501 and over	0

(3) For a single claimant as described in subsection (1) of this section, the percentage of the exemption for which the claimant is eligible shall be the percentage in Column B which corresponds with the claimant's household income in Column A in the table found in this subsection.

Column A Household Income In Dollars	Column B Percentage Of Relief
0 through 13,000	100
13,001 through 14,125	90
14,126 through 15,250	80
15,251 through 16,375	70
16,376 through 17,500	60
17,501 through 18,625	50
18,626 through 19,750	40
19,751 through 20,875	30
20,876 through 22,000	20
22,001 through 23,125	10
23,126 and over	0".

(Signed) Jerome Warner, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 1238. Placed on General File as amended.
Standing Committee amendment to LB 1238:
AM3011

1. On page 5, strike beginning with "fiscal" in line 26 through "highest" in line 27, show the old matter as stricken, and insert "twelve-month periods of service which produce the highest average compensation".

2. On page 7, strike beginning with "fiscal" in line 16 through "highest" in line 17, show the old matter as stricken, and insert "twelve-month periods of service which produce the highest compensation".

LEGISLATIVE BILL 1339. Placed on General File as amended.
Standing Committee amendment to LB 1339:
AM3027

1. On page 5, line 4; page 14, line 18; and page 18, line 14, after "method" insert "for FY1995-96 and subsequent fiscal years".

(Signed) Wm. R. Wickersham, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Withem and Mrs. Bohlke asked unanimous consent to print the following amendment to LB 987 in the Journal. No objections. So ordered.

AM2996

1. Strike the original sections and insert the following new sections:

"Section 1. That section 71-1,135.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,135.02. (1) No optometrist licensed in this state, except an optometrist who has been certified by the department prior to April 30, 1987, or by another state with substantially equivalent requirements for certification as determined by the department upon recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for diagnostic purposes prior to April 30, 1987, shall use topical ocular pharmaceutical agents for diagnostic purposes authorized under subdivision (2) of section 71-1,133 unless such person (a) submits to the Board of Examiners in Optometry the fee of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board, together with evidence of satisfactory completion of a pharmacology course at an institution accredited by a regional or professional accrediting organization which is recognized by ~~the Council on Postsecondary Accreditation or~~ the United States Department of Education and approved by the Department of Health, (b) passes an examination approved by the department, and (c) has been certified by the department upon the recommendation of the Board of Examiners in Optometry as qualified to use topical ocular pharmaceutical agents for diagnostic purposes. The department may approve for certification pursuant to subdivision (1)(a) of this section a pharmacology course if such course includes:

(i) A study of ocular anesthetics, mydriatics, cycloplegics, ocular toxicity of pharmaceutical agents, ocular allergies of ocular agents, and pharmacologic effects of ocular drug substances;

(ii) The consideration of the mechanism of action of anesthetics, cycloplegics, and mydriatics in human beings and the uses of such substances in the diagnosis of occurring ocular disorders;

(iii) At least one hundred hours of classroom education, clinical training, and examination; and

(iv) The correlation of the utilization of pharmaceutical agents and optical instrumentation and procedures.

The department may approve for certification

pursuant to subdivision (1)(b) of this section an examination if such examination is:

(A) Based upon the competencies taught in a pharmacology course; and

(B) Administered by an institution accredited by a regional or professional accrediting organization which is recognized by ~~the Council on Postsecondary Accreditation or~~ the United States Department of Education and approved by the Department of Health.

(2) No optometrist licensed in this state on or after April 30, 1987, shall use topical ocular pharmaceutical agents for therapeutic purposes authorized under subdivision (3) of section 71-1,133 unless such person (a) submits to the Board of Examiners in Optometry the fee of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board, together with evidence of satisfactory completion of a minimum of one hundred hours since January 1, 1984, of which forty hours shall be classroom education and sixty hours shall be supervised clinical training as it applies to optometry with particular emphasis on the examination, diagnosis, and treatment of the eye and adnexa offered by a school or college approved by the department, (b) passes an examination approved by the department, (c) has been certified by the department upon the recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for therapeutic purposes, and (d) has been certified by the department upon the recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for diagnostic purposes. The department may approve for certification pursuant to subdivision (2)(a) of this section a therapeutic course or courses of instruction, from an institution accredited by a regional or professional accrediting organization which is recognized by ~~the Council on Postsecondary Accreditation or~~ the United States Department of Education, that have been completed after January 1, 1984. Such course or courses shall include, but not be limited to:

(i) Review of general pharmacology and therapeusis;

(ii) Review of ocular therapeutic pharmacology;

(iii) Diagnosis and treatment of diseases of the lid, lacrimal system, conjunctiva, sclera, and episclera;

(iv) Diagnosis of corneal disease and trauma including corneal foreign bodies;

(v) Diagnosis and treatment of anterior segment eye diseases;

(vi) Clinical procedures related to the diagnosis and treatment of the eye and adnexa;

(vii) Ocular manifestations of systemic disease;

(viii) Review of systemic disease syndromes;

(ix) Ocular therapy including management of acute systemic emergencies; and

(x) Consultation criteria in ocular disease and trauma.

Sec. 2. That section 71-1,135.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,135.03. No course or courses in pharmacology shall be approved by the department upon the recommendation of the Board of Examiners in Optometry unless taught by an institution which is accredited by a regional or professional accrediting organization which is recognized by ~~the Council on Postsecondary Accreditation or~~ the United States ~~Office~~ Department of Education ~~or its successors~~ and the transcript credit for the course or courses is certified to the board by the institution.

Sec. 3. That section 71-1,136, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1,136. No school of optometry shall be approved by the Department of Health as an accredited school unless ~~said~~ the school is accredited by a regional or professional accrediting organization which is recognized by ~~the Council on Postsecondary Accreditation or~~ the United States ~~Office~~ Department of Education. ~~, or its successors.~~

Sec. 4. That section 85-984, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-984. Eligible postsecondary educational institutions shall mean public or private institutions:

(1) Located in Nebraska;

(2) Primarily engaged in instruction of students;

(3) Satisfying the provisions of Nebraska law relating to the approval~~,~~ and licensure~~, and accreditation~~ of schools, colleges, and universities and maintaining accreditation by an accrediting organization recognized by the United States Department of Education; and

(4) Offering courses of instruction in regularly scheduled classes to regularly enrolled undergraduate students who reside in Nebraska and have received high school diplomas or their equivalent.

Sec. 5. That section 85-9,122, Revised Statutes Supplement, 1992, be amended to read as follows:

85-9,122. Eligible institution shall mean a public or private institution:

(1) Located in Nebraska;

(2) Primarily engaged in instruction of students;

(3) Satisfying the provisions of Nebraska law relating to the approval~~,~~ and licensure~~, and accreditation~~ of schools, colleges, and universities and maintaining accreditation by an accrediting organization by the United States Department of Education;

(4) Offering courses of instruction in regularly scheduled classes to regularly enrolled undergraduate students who reside in Nebraska and have received high school diplomas or their equivalent; and

(5) Complying with the commission's request for information pursuant to section 85-9,128.

Sec. 6. That section 85-9,145, Revised Statutes Supplement, 1992, be amended to read as follows:

85-9,145. Eligible postsecondary educational institution shall mean a not-for-profit institution not controlled or administered by any state agency or any political subdivision of the state which is:

(1) Located in Nebraska;

(2) Primarily engaged in instruction of students;

(3) Accredited by ~~a member of the Council on Postsecondary Accreditation~~ an accrediting organization recognized by the United States Department of Education; and

(4) Offering courses and programs of instruction leading to an associate or baccalaureate degree to regularly enrolled undergraduate students who reside in Nebraska and have received high school diplomas or their equivalent.

Sec. 7. That original sections 71-1,135.02, 71-1,135.03, 71-1,136, and 85-984, Reissue Revised Statutes of Nebraska, 1943, and sections 85-9,122 and 85-9,145, Revised Statutes Supplement, 1992, are repealed.".

Mr. Landis asked unanimous consent to print the following amendment to LB 241 in the Journal. No objections. So ordered.

AM2936

(Amendments to E & R amendments, AM5637)

1. On page 1, strike beginning with "A" in line 8 through the semicolon in line 17, show the old matter as stricken, and insert "Recognized veterans organization shall mean the American Legion, the American Ex-Prisoners of War, the Disabled American Veterans, the Military Order of the Purple Heart, the Paralyzed Veterans of America, the Veterans of Foreign Wars of the United States, the Vietnam Veterans of America, and any other veterans organization which the Director of Veterans' Affairs determines (a) is recognized by the United States Department of Veterans Affairs for claims representation, (b) has a presence in each of this state's congressional districts, and (c) maintains a state headquarters sanctioned by its national organization;".

Mr. Chambers asked unanimous consent to print the following amendment to LR 15CA in the Journal. No objections. So ordered.

FA352

Page 1, line 13, strike beginning with "when", through "elected" in line 14, and insert "unless three-fourths of all members elected voted to not read at large such bill and all amendments thereto.

Mrs. Witek asked unanimous consent to print the following amendment to LB 600 in the Journal. No objections. So ordered.

AM3040

(Amendments to E & R amendments, AM5614)

1. Insert the following new sections:

"Section 1. That section 29-2525, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2525. In cases when the punishment is capital, no notice of appeal shall be required and, within the time prescribed by section 25-1931 for the commencement of proceedings for the reversing, vacating, or modifying of judgments, the clerk of the district court in which the conviction was had shall notify the court reporter who shall prepare a bill of exceptions as in other cases and ~~the clerk~~ shall prepare and file with the Clerk of the Supreme Court a transcript of the record of the proceedings, for which no charge shall be made. The Clerk of the Supreme Court shall, upon receipt of the transcript, docket the appeal. No payment of a docket fee shall be required.

The court shall expedite the rendering of its opinion on the appeal, giving the matter priority over civil and noncapital criminal matters.

Sec. 2. That section 29-2528, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2528. In all cases when the death penalty has been imposed by the district court, the Supreme Court shall, after consideration of the appeal, order the prisoner to be discharged, order a new trial to be had, or appoint a day certain for the execution of the sentence, which day certain shall be at least seven but no more than thirty days from the date of the order.

If a motion to set an execution date is filed with the Supreme Court and a direct appeal or an initial action under sections 29-3001 to 29-3004 is not pending and the Supreme Court does not appoint a day certain for the execution within thirty days after the date of such filing, the Secretary of State shall issue a written notice to the warden of the Department of Correctional Services adult correctional facility stating (1) the date on which such motion was filed with the Supreme Court, (2) that no order has been issued in response to such motion, (3) that the execution date is set by operation of law, and (4) that the execution shall take place between the hours of 12:01 a.m. and 11:59 p.m. on the first Monday falling on or after the forty-fifth day after the

filing of such motion. Upon receipt of such notice, the warden shall carry the sentence into execution as provided in sections 29-2532 et seq. on the designated day, as if a warrant had been issued.

Sec. 20. That section 29-3001, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-3001. A prisoner in custody under sentence and claiming a right to be released on the ground that there was such a denial or infringement of the rights of the prisoner as to render the judgment void or voidable under the Constitution of ~~this state~~ Nebraska or the Constitution of the United States~~,~~ may file a verified motion at any time in the court which imposed such sentence, stating the grounds relied upon~~,~~ and asking the court to vacate or set aside the sentence, except that if the prisoner appealed the sentence, the motion shall be filed within sixty days after the issuance of the mandate in such direct appeal.

Unless the motion and the files and records of the case show to the satisfaction of the court that the prisoner is entitled to no relief, the court shall cause notice thereof to be served on the county attorney, grant a prompt hearing thereon, determine the issues, and make findings of fact and conclusions of law with respect thereto. In capital cases, the court shall expedite the rendering of its opinion, giving the matter priority over civil and noncapital criminal matters. If the court finds that there was such a denial or infringement of the rights of the prisoner as to render the judgment void or voidable under the Constitution of ~~this state~~ Nebraska or the Constitution of the United States, the court shall vacate and set aside the judgment and shall discharge the prisoner, ~~or~~ resentence ~~him~~ the prisoner, or grant a new trial as may appear appropriate.

Proceedings under ~~the provisions of~~ sections 29-3001 to 29-3004 shall be civil in nature. Costs shall be taxed as in habeas corpus cases.

A court may entertain and determine such motion without requiring the production of the prisoner, whether or not a hearing is held. Testimony of the prisoner or other witnesses may be offered by deposition. The court ~~need not~~ shall not have jurisdiction to entertain a second motion or successive motions for similar relief on behalf of the same prisoner.

Sec. 21. That section 29-3002, Revised Statutes Supplement, 1993, be amended to read as follows:

29-3002. An order sustaining or overruling a motion filed under sections 29-3001 to 29-3004 shall be deemed to be a final judgment, and an appeal may be taken from the district court as provided for in appeals in civil cases. A prisoner may, in the discretion of the appellate court and upon

application to the appellate court, be released on such recognizance as the appellate court fixes pending the determination of the appeal. In capital cases, the court shall expedite the rendering of its opinion, giving the matter priority over civil and noncapital criminal matters.".

2. On page 11, line 19, after "sections" insert "29-2525, 29-2528,"; in line 20 strike "and 29-2545" and insert "29-2545, and 29-3001"; in line 21 strike "and 29-2546" and insert ", 29-2546, and 39-3002"; and strike lines 26 and 27 and insert:

"2. On page 1, strike beginning with '29-2532' in line 2 through line 10 and insert '29-2525, 29-2528, 29-2532 to 29-2542, 29-2544, 29-2545, and 29-3001' ".

3. On page 12, line 1, strike "29-2545"; and in line 2 strike "and 29-2546" and insert ", 29-2546, and 39-3002".

4. Renumber the remaining sections accordingly.

Mrs. Witek asked unanimous consent to print the following amendment to LB 600 in the Journal. No objections. So ordered.

AM3041

(Amendments to E & R amendments, AM5614)

1. Strike section 20.

2. On page 12, line 7, after the last semicolon insert "and"; and in line 8 strike "; and to declare an emergency".

Mr. Dierks asked unanimous consent to print the following amendment to LB 819 in the Journal. No objections. So ordered.

AM3022

(Amendments to E & R amendment, AM5639)

1. On page 6, line 7, after "71-513" insert "or section 5 of this act or sections 7 to 11 of this act"; and in line 25 strike "given" and insert "give".

2. On page 8, line 2, after "purposes" insert ", written information about the human immunodeficiency virus is provided, including, but not limited to, the identification and reduction of risks, the person is informed of the result of such test, and when the result is positive, the person is referred for posttest counseling".

3. On page 9, line 13, after "(2)" insert "Infectious disease or condition shall mean hepatitis B, meningococcal meningitis, active pulmonary tuberculosis, human immunodeficiency virus, and such other diseases as the Department of Health may from time to time specify;

(3)"; in line 15 strike "(3)" and insert "(4)"; and in line 18 strike "(4)" and insert "(5)".

4. On page 10, line 12, after the period insert "If an available sample of blood or other body fluid is tested without consent, the patient or patient's next of kin or legal guardian shall be notified that the available sample is being tested and informed of the purpose of the test and test results. If the human immunodeficiency virus test result is positive, the health care provider or provider agency shall refer the patient for posttest counseling."; and after line 22 insert the following new subsection:

"(3) Routine drawing of a sample of blood or other body fluid for the purpose of testing for infectious disease or conditions without obtaining consent shall be prohibited.".

5. On page 11, line 1, strike "sections 71-503.01 and 71-2017" and insert "section 71-503.01"; in lines 3 and 5 strike "sections" and insert "section"; and in line 15 after the period insert "All records regarding any tests made as a result of a significant exposure of a health care provider to blood or other body fluid shall be kept only for the purpose of medical surveillance of an occupational risk of the health care provider.".

Messrs. Kristensen and Lindsay asked unanimous consent to print the following amendment to LR 2CA in the Journal. No objections. So ordered.

AM3049

1. On page 1, line 13, after "mediation" insert "agreements"; in line 14 after "resolution" insert "which are entered into after the dispute has arisen,"; and in line 15 before "and" and insert an underscored comma.

2. On page 2, line 4, after "mediation" insert "agreements".

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 414 in the Journal. No objections. So ordered.

(Amendment, AM3042, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 695 in the Journal. No objections. So ordered.

AM3043

1. Insert the following new sections:

"Section 1. The Legislature finds that, due to severe weather conditions and diseases, cities and villages across Nebraska are experiencing tree mortality. Most cities and villages have been unable to act decisively due to

insufficient funds to remove, dispose of, and replace trees situated on public land. Dead trees are fast becoming a liability and a safety problem for cities and villages.

Sec. 2. It is the intent of the Legislature that $250,000 be appropriated from the General Fund annually for fiscal years 1994-95 through 1998-99 for a program to fund tree removal, disposal, and replacement costs. The Nebraska Forest Service of the Institute of Agriculture and Natural Resources Department of Forestry, Fisheries, and Wildlife shall administer the program through a grant process, and the program shall be known as the Nebraska Tree Recovery Program. The Nebraska Community Forestry Council shall act as an advisory body in administration of the program. The service shall adopt and promulgate rules and regulations necessary to carry out sections 1 to 4 of this act.

Sec. 3. Any city, village, county, or agency thereof or any state agency responsible for the upkeep of state-owned real property may apply for a grant from the Nebraska Tree Recovery Program. Any civic group, tree advisory board, or other entity working with a governmental agency on tree planting, removal, and replacement may apply for a grant under the program.

Sec. 4. Applications for grants for the first year of the Nebraska Tree Recovery Program shall be received not later than July 1, 1994, and grants shall be awarded not later than October 1, 1994. In subsequent years the Nebraska Forest Service of the Institute of Agriculture and Natural Resources Department of Forestry, Fisheries, and Wildlife shall establish the date by which applications must be submitted, and grants shall be awarded not later than ninety days after such date.

The following shall be considered in reviewing a proposal of an applicant for a grant from the program:

(1) Grant money shall be used to plant or remove trees only on land owned by state or local governments, including parks, public grounds, and city rights-of-way;

(2) Trees shall be purchased from commercial Nebraska nurseries;

(3) The applicant shall provide funds to match the grant at a fifty-fifty match rate;

(4) Local labor may be considered as in-kind participation in calculating the amount of the applicant's matching funds required by subdivision (3) of this section;

(5) No state or local funds under the program shall be used to purchase real property;

(6) Tree species to be planted under the proposal shall be adaptable to Nebraska and the local area in order for such trees to grow and thrive;

(7) Arboricultural experts may be consulted at the

local and state levels for expertise in developing local tree replanting program;

(8) Local programs shall indicate a partnership between the applicant and property owners showing how to best replant and maintain trees for the first three years after planting; and

(9) Cities, villages, civic groups, students, and families should be involved in selecting, replanting, and caring for trees for the valuable educational aspects of the program.".

Sec. 2. Renumber the remaining sections accordingly.

Mr. Moore asked unanimous consent to print the following amendment to LB 322 in the Journal. No objections. So ordered.

AM3039

(Amendments to E & R amendment, AM5625)

1. Insert the following new section:

"Sec. 10. Upon the request of the director of a using agency or the materiel division, an evaluation committee shall be formed to review the proposals submitted pursuant to a requisition submitted by the using agency for the purchase or lease of services. The evaluation committee shall consist of the director of the using agency which submitted the requisition or his or her designee, the Accounting Administrator or his or her designee, and the state purchasing representative assigned to the proposal. The evaluation committee shall review the proposals submitted and make a recommendation to the materiel division prior to the awarding of the contract for the purchase or lease. The recommendation by the evaluation committee shall be based upon the elements considered in the bid selection process in section 81-161. The materiel division may approve or deny the recommendation of the evaluation committee, but shall not award the contract for the purchase or lease to a bidder who has not been recommended by the evaluation committee.".

2. On page 1, lines 6 and 9, before the comma insert "and section 10 of this act".

3. On page 3, line 19; and page 5, line 22, strike "81-1118.03", show as stricken, and insert "81-1118.06 and section 10 of this act".

4. On page 14, line 1, before the comma insert "and section 10 of this act" and strike "11" and insert "12"; and in line 7 strike "10" and insert "11".

5. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Withdraw Cointroducer

Mrs. Witek asked unanimous consent to have her name withdrawn as cointroducer to LB 600. No objections. So ordered.

UNANIMOUS CONSENT - Add Cointroducer

Mrs. Witek asked unanimous consent to have her name added as cointroducer to LB 125. No objections. So ordered.

VISITORS

Visitors to the Chamber were 19 students and teacher from Shelton Senior High School; 20 members from the Military Order of the Purple Heart and Ex-POWs; 72 fifth grade students, teachers, and sponsor from Pyrtle Elementary School, Lincoln; and Megan Straight.

ADJOURNMENT

At 11:56 a.m., on a motion by Mr. Will, the Legislature adjourned until 9:00 a.m., Wednesday, February 9, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-FIRST DAY - FEBRUARY 9, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 9, 1994

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Steve Fenton, Garden View Assembly of God Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Withem who was excused; and Messrs. Beutler, Bromm, Byars, Cudaback, Dierks, Hall, Landis, Lindsay, Moore, Warner, Will, Mmes. Bohlke, McKenzie, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twentieth day was approved.

UNANIMOUS CONSENT - Member Excused

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

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 1068. Placed on General File as amended.
Standing Committee amendment to LB 1068:
AM3025

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage

and approval, according to law.".

2. On page 3, lines 1 and 2, strike "alternative retirement programs" and insert "and have elected to become members of a qualified retirement program approved by the commission which is commensurate with retirement programs at the University of Nebraska".

LEGISLATIVE BILL 1306. Placed on General File as amended. (Standing Committee amendment, AM3026, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Wm. R. Wickersham, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1043. Placed on General File.

LEGISLATIVE RESOLUTION 295CA. Placed on General File.

LEGISLATIVE BILL 1093. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

GENERAL FILE

LEGISLATIVE BILL 988. Mr. Chambers renewed his pending amendment, FA348, found in the Journal on page 615.

Messrs. Wehrbein and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to his pending amendment:
FA353
Amend FA348:
Add: "If such firearm was stolen and the owner can be determined, the firearm shall be returned to the owner, provided that the owner may lawfully possess such firearm."

The Chambers amendment was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

The Chambers amendment, FA348, as amended, was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

Mr. Chambers renewed his pending amendment, FA349, found in the Journal on page 615.

The Chambers amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Chambers offered the following amendment:
FA354
Page 5, line 9, after "firearm", insert,
"other than the types specified in section 28-1204"

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

EASE

The Legislature was at ease from 10:18 a.m. until 10:21 a.m.

GENERAL FILE

LEGISLATIVE BILL 988. The Chambers pending amendment, FA354, found in this day's Journal, was renewed.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Chambers amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Ashford offered the following amendment:
FA355
Amend Sec. 6 to add -
Any person who shall possess a firearm, knife, brass or iron knuckles or other deadly weapon on a school property shall be guilty of a felony IV.

Mr. Chambers offered the following amendment to the Ashford pending amendment:
FA356
Amend FA355:
Strike all provisions and insert: "Strike all of Section 6

Mmes. McKenzie and Pirsch asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Chambers withdrew his amendment, FA356.

Mr. Ashford withdrew his amendment, FA355.

Mr. Lindsay offered the following amendment:
AM3089

1. On page 5, line 18, strike "Any" and insert "It shall be unlawful for any person to bring a"; in line 19 strike "brought"; and in line 20 after "event" insert "and such weapon".

2. On page 6, after line 3 insert the following new subsection:

"(3) Any person bringing a weapon into a school, onto school property, or to a school-sponsored activity or athletic event in violation of subsection (1) of this section shall be guilty of a Class IV misdemeanor.".

Messrs. Coordsen, Cudaback, Ashford, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Mr. Lindsay moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Lindsay amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 305. Introduced by Robinson, 16.

WHEREAS, Myron "Mike" Lehl has recently retired as football coach at Blair High School; and

WHEREAS, Coach Lehl's team amassed two hundred thirty-three career victories which ranks him third in state history for most wins by a football coach; and

WHEREAS, Coach Lehl never had a losing season, he coached the 1988 Class B State Championships, and he was recognized as Football Coach of the Year by the Nebraska Coaches Association in 1988-89; and

WHEREAS, Coach Lehl has always been known as a fair and caring coach who placed the education and welfare of his players above winning.

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

1. That the Legislature congratulates Coach Myron "Mike" Lehl for his years of being a leader to young people in Nebraska.

2. That a copy of this resolution be sent to Coach Myron "Mike" Lehl and to Blair High School.

Laid over.

LEGISLATIVE RESOLUTION 306. Introduced by Robak, 22.

WHEREAS, Ronald D. Callan of Columbus, Nebraska, is a science teacher and the 1994 winner of the Christa McAuliffe prize; and

WHEREAS, the prize, awarded by the University of Nebraska-Lincoln Teachers College, recognizes teachers who exemplify the high standards of excellence that Christa McAuliffe set for herself and her students; and

WHEREAS, courage, commitment to excellence, creativity, and ability to inspire were also criteria for the prize; and

WHEREAS, former students often remember Ronald Callan as their most influential teacher; and

WHEREAS, Christa McAuliffe's mother, Grace George Corrigan, presented the award at a February 4, 1994, luncheon.

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

1. That the Legislature congratulate Ronald D. Callan for his dedication to the young people of Columbus and Nebraska.

2. That a copy of this resolution be sent to Mr. Callan.

Laid over.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 867. Indefinitely postponed.

(Signed) David Landis, Chairperson

Education

LEGISLATIVE BILL 1290. Placed on General File.

LEGISLATIVE BILL 1181. Indefinitely postponed.
LEGISLATIVE BILL 1295. Indefinitely postponed.

(Signed) Ardyce Bohlke, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wickersham asked unanimous consent to print the following amendment to LB 408 in the Journal. No objections. So ordered.

AM2803

(Amendments to Standing Committee amendments, AM0612)

1. Strike amendments 1 and 2 and insert the following new amendment:

"1. Insert the following new sections:

'Sec. 3. For purposes of sections 4 and 5 of this act, range-management burning shall mean the controlled application of fire to existing vegetative matter on land utilized for grazing.

Sec. 4. The fire chief of a local fire department or his or her designee may waive an open burning ban under subsection (1) of section 81-520.01 by issuing a permit for range-management burning only if the range-management burning is to be conducted in accordance with section 5 of this act.

Sec. 5. (1) A landowner, tenant, or other landowner's agent of the land where range-management burning is proposed shall file an application for a permit and a plan for conducting such burning. The plan shall include:

(a) The name of the landowner of the land on which range-management burning is to occur;

(b) The name of the person who will supervise the range-management burning if different than the landowner;

(c) The land-management objective to be accomplished;

(d) A map showing the areas to be burned, including natural and manmade firebreaks;

(e) Procedures to be used to confine the fire in boundary areas without preexisting firebreaks;

(f) A list of equipment that will be on hand;

(g) The types and conditions of the vegetative matter to be burned on the land and in adjacent areas;

(h) Identification of roads and habitations that may be affected by smoke;

(i) A description of weather conditions believed to be required to safely and successfully conduct the range-management burning, including wind speed and direction, temperature, and relative humidity; and

(j) Such other information as may be prescribed by the fire chief of a local fire department.

(2) The fire chief of a local fire department or his or her designee shall evaluate each plan to determine its compliance with subsection (1) of this section. If a plan fails to comply with all provisions of subsection (1) of this section, a permit for range-management burning shall not be

issued.

(3) The fire chief or his or her designee shall issue a permit for range-management burning if (a) the plan complies with subsection (1) of this section and (b) the fire chief or his or her designee determines that range-management burning conducted in accordance with the plan would be conducted with due regard for the safety of people and property outside the burning areas. No permit shall be valid for more than thirty days.'.".

2. On page 3, line 24, strike "section 7" and insert "sections 3 to 5".

3. Renumber the remaining amendments accordingly.

Messrs. Pedersen, Lindsay, and Ms. Day asked unanimous consent to print the following amendment to LB 1326 in the Journal. No objections. So ordered.

AM3056

1. Insert the following new section:

"Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 8, after line 15 insert the following new paragraph:

"The substance abuse therapy required by section 83-179 and this section shall be provided by the department prior to the first parole eligibility date of the committed offender. If the board finds that the department did not provide adequate access or availability to the committed offender prior to the first parole eligibility date, the board may waive the requirement of this section only if, as a condition of parole, the committed offender agrees to attend and complete therapy which is approved by the board.".

Mr. Beutler asked unanimous consent to print the following amendment to LB 923 in the Journal. No objections. So ordered.

AM3067

1. Insert the following new sections:

"Sec. 2. That section 72-201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-201. (1) The Board of Educational Lands and Funds shall consist of five members ~~to be~~ appointed by the Governor with the ~~consent~~ approval of a majority of the ~~members elected to the~~ Legislature. One member shall be appointed from each of the congressional districts as the districts ~~were constituted on January 1, 1961, and a fifth member~~ are now configured or as the districts may be configured in the future, and the remaining members shall be

appointed from the state at large. The member representing the fourth congressional district as the districts were configured on January 1, 1961, shall represent the third congressional district. The member representing the third congressional district as the districts were configured on January 1, 1961, shall represent the state at large. One member of the board shall be competent in the field of commercial land investments and one member of the board shall be competent in the field of agricultural land investments. ~~The initial members shall be appointed to take office on October 1, 1955, and shall hold office for the following periods of time: The member from the first congressional district for one year; the member from the second congressional district for two years; the member from the third congressional district for three years; the member from the fourth congressional district for four years; and the member from the state at large for five years. As the terms of the members expire, the~~ The Governor shall appoint or reappoint a member of the board for a term of five years, except members appointed to fill vacancies whose tenures shall be the unexpired terms for which they shall be appointed. If the Legislature is not in session when such members, or some of them, are appointed by the Governor, such members shall take office and act as recess appointees until the Legislature ~~next thereafter convenes~~ is in session. The compensation of the members shall be forty dollars per day for each day's time actually engaged in the performance of the duties of their office. Each member shall also be paid his or her necessary ~~traveling~~ expenses incurred while upon business of the board as provided in sections 81-1174 to 81-1177. ~~for state employees.~~ The board shall cause all school, university, agricultural college, and state college lands~~,~~ owned by the state or the title to which may ~~hereafter~~ vest in the state~~,~~ to be registered, leased, and sold~~,~~ as ~~hereinafter~~ provided~~,~~ ~~and~~ in sections 72-201 to 72-269, shall have the general management and control ~~of~~ over such lands, and ~~make necessary rules not provided by law~~ shall adopt and promulgate rules and regulations to carry out the purposes of such sections. The funds arising from these lands shall be disposed of in the manner provided by the Constitution of Nebraska, sections 72-201 to ~~72-251~~ 72-269, and any other ~~laws of Nebraska not inconsistent herewith~~ law not inconsistent with such sections.

(2) No person shall be eligible ~~to~~ for membership on the board who is actively engaged in the teaching profession, who holds or has any financial interest in a school land lease, who is a holder of or a candidate for any state office or a member of any state board or commission, or who has not resided in this state for at least three years.

(3) The board shall elect one of its members as

chairperson of the Board of Educational Lands and Funds. In the absence of the chairperson, any member of the board may, upon motion duly carried, act in his or her behalf as such chairperson. ~~It~~ The board shall keep a record of all proceedings and orders made by it. No order shall be made except upon the concurrence of at least three members of the board. ~~It~~ The board shall make all orders pertaining to the handling of all lands and funds set apart for educational purposes.

(4) The board shall maintain an office in the State Capitol at Lincoln and shall meet in ~~its~~ the office not less than once each month.

(5) The board may appoint a secretary for the board. The compensation of the secretary shall be payable monthly, as fixed by the board.

Sec. 10. Sections 2 and 11 of this act shall become operative on October 1, 1994. The other sections of this act shall become operative on their effective date.

Sec. 11. That original section 72-207, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 2, line 19; page 3, line 17; and page 4, line 20, strike "4" and insert "5".

3. Renumber the remaining sections accordingly.

Mr. Wickersham asked unanimous consent to print the following amendment to LB 132 in the Journal. No objections. So ordered.

(Amendment, AM3055, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

STANDING COMMITTEE REPORTS

Business and Labor

The Committee on Business and Labor desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

James D. McFarland - Nebraska Commission of Industrial Relations

VOTE: Aye: Senators Abboud, Bromm, Chambers, Dierks, Schimek, and Vrtiska. Absent: Senator Preister.

(Signed) Chris Abboud, Chairperson

Education

The Committee on Education desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Safety Center Advisory Council
Don R. Thompson
Fernando Lecuono
Derald Kohles
Randall Hergott
Lt. James Pearson
Richard H. Chaffin
Dr. Pearl A. Hansen

VOTE: Aye: Senators Bohlke, McKenzie, Monen, Janssen, Rasmussen, Wickersham, and Warner. Nay: None. Absent: Senator Beutler.

(Signed) Ardyce Bohlke, Chairperson

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 912	Wednesday, February 16, 1994	1:30 p.m.
LB 965	Wednesday, February 16, 1994	1:30 p.m.
LB 1173	Wednesday, February 16, 1994	1:30 p.m.
LB 1293	Wednesday, February 16, 1994	1:30 p.m.
LB 1307	Wednesday, February 16, 1994	1:30 p.m.
LR 296CA	Wednesday, February 16, 1994	1:30 p.m.
LB 1302	Wednesday, February 16, 1994	1:30 p.m.
LB 968	Thursday, February 17, 1994	1:30 p.m.
LB 969	Thursday, February 17, 1994	1:30 p.m.
LB 1169	Thursday, February 17, 1994	1:30 p.m.
LR 300CA	Thursday, February 17, 1994	1:30 p.m.
LR 301CA	Thursday, February 17, 1994	1:30 p.m.

(Signed) John Lindsay, Chairperson

Natural Resources

LB 1240	Wednesday, February 16, 1994	1:30 p.m.
LB 1254	Wednesday, February 16, 1994	1:30 p.m.
LB 1219	Thursday, February 17, 1994	1:30 p.m.
LB 1022	Thursday, February 17, 1994	1:30 p.m.
LB 1186	Thursday, February 17, 1994	1:30 p.m.
LB 1187	Thursday, February 17, 1994	1:30 p.m.

(Signed) Chris Beutler, Chairperson

General Affairs

LB 1057	Tuesday, February 22, 1994	1:30 p.m.
LB 1167	Tuesday, February 22, 1994	1:30 p.m.
LB 1292	Tuesday, February 22, 1994	1:30 p.m.
LB 1297	Tuesday, February 22, 1994	1:30 p.m.

(Signed) Stan Schellpeper, Chairperson

Government, Military and Veterans Affairs

Governor Appointment Wednesday, February 16, 1994 1:30 p.m.
Catherine A. Walters - Crime Victims Reparations Committee

(Signed) DiAnna R. Schimek, Chairperson

GENERAL FILE

LEGISLATIVE BILL 988. Mr. Chambers offered the following amendment:
FA357
Pg 6 line 14, reinstate "dangerous"

Messrs. Dierks and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment was adopted with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Mr. Chambers offered the following amendment:
FA358
Page 5, line 18 & 19, strike "knife, brass or iron knuckles or other deadly weapon"

Mr. Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Chambers amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Messrs. Haberman and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bernard-Stevens offered the following amendment:

AM3012

1. Insert the following new sections:

"Sec. 24. That section 43-2,109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-2,109. In each county, the judge presiding over the juvenile court may appoint a board of four reputable residents, who shall serve without compensation, to constitute a board of visitation, whose duty it shall be to visit at least once a year all institutions, societies, and associations within the county receiving juveniles under the Nebraska Juvenile Code. Visits shall be made by not less than two of the members of the board, who shall go together or make a joint report. The board of visitors shall report to the court, from time to time, the condition of juveniles received by or in the charge of such associations and institutions and shall make an annual report to the Department of Social Services, Office of Juvenile Services or Department of Correctional Services, and Department of Public Institutions in such form as each of the departments or the office may prescribe. The county board may, in its discretion, make appropriations for the payment of the actual and necessary expenses incurred by the visitors in the discharge of their official duties.

Sec. 27. That section 43-3001, Revised Statutes Supplement, 1993, be amended to read as follows:

43-3001. (1) Notwithstanding any other provision of law regarding the confidentiality of records and when not prohibited by the federal Privacy Act of 1974, as amended, juvenile court records and any other pertinent information that may be in the possession of school districts, county attorneys, law enforcement agencies, state probation personnel, state parole personnel, youth detention facilities, medical personnel, treatment or placement programs, the Department of Social Services, the Office of Juvenile Services, the Department of Correctional Services, the State Foster Care Review Board, child abuse and neglect investigation teams, child abuse and neglect treatment teams, or other multidisciplinary teams for abuse, neglect, or delinquency concerning a child who is in the custody of the state may be shared with individuals and agencies who have been identified in a court order authorized by this section.

(2) In any judicial proceeding concerning a child who is currently, or who may become at the conclusion of the proceeding, a ward of the court or state or under the supervision of the court, an order may be issued which identifies individuals and agencies who shall be allowed to receive otherwise confidential information concerning the juvenile for legitimate and official purposes. The individuals and agencies who may be identified in the court

order are the child's attorney or guardian ad litem, the parents' attorney, foster parents, appropriate school personnel, county attorneys, authorized court personnel, law enforcement agencies, state probation personnel, state parole personnel, youth detention facilities, medical personnel, treatment or placement programs, the Department of Social Services, the Office of Juvenile Services, the Department of Correctional Services, the State Foster Care Review Board, child abuse and neglect investigation teams, child abuse and neglect treatment teams, and other multidisciplinary teams for abuse, neglect, or delinquency. Unless the order otherwise states, the order shall be effective until the child leaves the custody of the state or until a new order is issued.

(3) All information acquired by an individual or agency pursuant to this section shall be confidential and shall not be disclosed except to other persons who have a legitimate and official interest in the information and are identified in the court order issued pursuant to this section with respect to the child in question. A person who receives such information or who cooperates in good faith with other individuals and agencies identified in the appropriate court order by providing information or records about a child shall be immune from any civil or criminal liability. The provisions of this section granting immunity from liability shall not be extended to any person alleged to have committed an act of child abuse or neglect.

(4) Any person who publicly discloses information received pursuant to this section shall be guilty of a Class III misdemeanor.

Sec. 42. That section 83-905, Revised Statutes Supplement, 1993, be amended to read as follows:

83-905. The Department of Correctional Services shall have oversight and general control of all state adult ~~and juvenile~~ correctional institutions. The Office of Juvenile Services shall have oversight and general control of all state juvenile correctional facilities.".

2. On page 15, line 21; page 20, line 10; and page 22, line 16, after the last "the" insert "Office of Juvenile Services or the".

3. On page 36, line 24, after the third comma insert "43-2,109,"; in line 27 after the first comma insert "43-3001,"; and in line 28 before "and" insert "83-905,".

4. Renumber the remaining sections accordingly.

Messrs. Moore, Bromm, Vrtiska, Landis, Schellpeper, and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Bernard-Stevens amendment was adopted with 28 ayes, 0 nays, 6 present and not voting, and 15 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 988 in the Journal. No objections. So ordered.

FA359

Page 5, line 21, strike "and held".

In line 22, strike beginning with "When", through "destroyed" in line 23.

In line 22 after "officer." add:

"Such firearm shall be held by the agency or department employing such officer until it no longer is required as evidence. If the person who possessed the firearm is convicted, the firearm shall be destroyed. If such firearm was stolen and the owner can be determined, the firearm shall be returned to the owner, provided that the owner may lawfully possess such firearm.

RESOLUTION

LEGISLATIVE RESOLUTION 307. Introduced by Coordsen, 32; Abboud, 12; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Beutler, 28; Bohlke, 33; Bromm, 23; Byars, 30; Crosby, 29; Cudaback, 36; Day, 19; Dierks, 40; Elmer, 38; Engel, 17; Fisher, 35; Haberman, 44; Hall, 7; Hartnett, 45; Hillman, 48; Hudkins, 21; Janssen, 15; Jones, 43; Kristensen, 37; Landis, 46; Lindsay, 9; Lynch, 13; Matzke, 47; McKenzie, 34; Monen, 4; Moore, 24; Pedersen, 39; Pirsch, 10; Preister, 5; Rasmussen, 20; Robak, 22; Robinson, 16; Schellpeper, 18; Schimek, 27; Schmitt, 41; Vrtiska, 1; Warner, 25; Wehrbein, 2; Wesely, 26; Wickersham, 49; Will, 8; Witek, 31.

WHEREAS, Dr. Martin A. Massengale has served the University of Nebraska for eighteen years with high distinction; and

WHEREAS, Dr. Massengale has served the University of Nebraska as interim president and president for three years; and

WHEREAS, Dr. Massengale has served the University of Nebraska at Lincoln as Chancellor for nine and one-half years and Vice Chancellor for Agriculture and Natural Resources for five years; and

WHEREAS, Dr. Massengale is a nationally renowned agronomist and has served with high distinction as an agricultural consultant to more than six countries around the world; and

WHEREAS, Dr. Massengale and his wife, Ruth, have always given leadership, ample time, commitment, talent, and treasures to scores of national, state, and community organizations; such as, youth organizations, chambers of commerce, NCAA, FFA, Nebraska Diplomats, and the Nebraska Agricultural Hall of Fame, and frequently opened their hearts and home to others; and

WHEREAS, Dr. Massengale, the recipient of numerous prestigious national and international awards, became personally involved in many organizations for the improvement of his fellow citizens and a constant spokesperson and supporter for the State of Nebraska, especially the agricultural sector; and

WHEREAS, Dr. Massengale and Ruth in all of their endeavors achieved an eminent and outstanding success in everything they undertook; and

WHEREAS, Dr. Massengale, leaving the University of Nebraska as its president on February 28, 1994, leaves a legacy of outstanding commitment to Nebraska; and

WHEREAS, the members of the Legislature collectively and individually join with the mantle of state and community leadership in expressing deep gratitude to Dr. Martin Massengale and Ruth for extraordinary service to our state and university, benefitting all citizens in a most positive manner.

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

1. That the Legislature expresses good fortune, best wishes, and strength to Dr. Martin and Ruth Massengale in all future endeavors.

2. That a copy of this resolution be presented to Dr. Massengale.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 883A. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 883, Ninety-third Legislature, Second Session, 1994.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 1310. Placed on General File as amended.
Standing Committee amendment to LB 1310:
AM3086

1. Insert the following new section:

"Sec. 10. That section 79-1281.01, Revised Statutes

Supplement, 1993, be amended to read as follows:

79-1281.01. The commission shall, with the advice and consent of the Governor, appoint a clerk of the commission who shall hold office at the pleasure of the commission. The clerk shall, under the direction of the chairperson of the commission, keep a complete and accurate record of the proceedings of the commission, record all pleadings and other papers filed with the commission, issue all necessary notices and writs, superintend the business of the commission, and perform such other duties as the commission directs. The clerk shall not be a member of the commission and shall not participate in hearings before the commission except to schedule and make other arrangements for the conduct of hearings.

The commission may also appoint or retain such other persons as it may deem necessary for the performance of its functions and shall prescribe their duties, fix their compensation, and provide for reimbursement of their expenses as provided in sections 81-1174 and 81-1177 within the amounts available in the budget of the commission.

Sec. 11. That section 79-1308.01, Revised Statutes Supplement, 1992, be amended to read as follows:

79-1308.01. (1) Any school district may by and with the consent of the board of education of the school district invest the funds of the school district in securities the nature of which individuals of prudence, discretion, and intelligence acquire or retain in dealing with the property of another. Every school district having invested in such securities shall deliver the same as funds of the office. The interest received on any investments authorized by this section shall be credited to the fund from which the money was taken to make the investment.

(2) The securities referred to in subsection (1) of this section may be invested in through repurchase agreements. Each repurchase agreement shall require that the items purchased through the repurchase agreement be subject to repurchase from the school district upon demand by the treasurer of the school district. No such repurchase agreement shall be entered into until the treasurer of the school district who proposes to enter into the repurchase agreement has received a perfected security interest in the securities as collateral for their prompt repurchase.

(3) All securities referred to in this section or in sections 79-1032 to 79-1060 may be held and evidenced by book entry account rather than through the holding and retaining of original certificates, indentures, or governing instruments for such securities.".

2. On page 21, line 1, before "and" insert "79-1308.01,"; and in line 2 strike the second "and" and after

the last comma insert "and 79-1281.01,".

3. Renumber the remaining sections accordingly.

(Signed) Ardyce Bohlke, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Mrs. Rasmussen asked unanimous consent to have her name added as cointroducer to LB 647. No objections. So ordered.

VISITORS

Visitors to the Chamber were 32 seventh through twelfth grade students and teacher from Morton School, Lincoln; 25 members of Knox County Doer from Center; and 22 eighth grade students and teacher from Emmanuel Lutheran School, York.

ADJOURNMENT

At 12:10 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Thursday, February 10, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-SECOND DAY - FEBRUARY 10, 1994

LEGISLATIVE JOURNAL

TWENTY-SECOND DAY - FEBRUARY 10, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 10, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Associate Pastor Nancy Redman, First Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Withem who was excused; and Messrs. Abboud, Ashford, Beutler, Bromm, Byars, Coordsen, Hartnett, Kristensen, Landis, Lindsay, Matzke, Moore, Preister, Robinson, Warner, Wickersham, Will, Mmes. Bohlke, Pirsch, Rasmussen, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-first day was approved.

ATTORNEY GENERAL'S OPINION

OPINION No. 94008

DATE:	February 7, 1994
SUBJECT:	LB 76, Status and Authority of the Election Commissioner in Counties Over 50,000 in Population
REQUESTED BY:	Senator Kate Witek Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General

Dale A. Comer, Assistant Attorney General

LB 76 is a currently pending bill which would substantially revise the election laws in Nebraska. Among other things, the bill deals with the office of election commissioner, and Section 29 of the bill provides that the election commissioner required in counties over 50,000 in population shall be appointed by the Governor. On the other hand, Section 39 of the bill provides that the election commissioner, deputy election commissioner and employees of the office of the election commissioner shall be county employees. Section 38 of LB 76 also requires the county board to provide an office and the necessary supplies for the election commissioner. You are apparently concerned that these various provisions might create some confusion as to the status and authority of the election commissioner in counties over 50,000 in population, and you consequently requested our opinion as to various aspects of the bill.

You first ask to whom the election commissioner in counties over 50,000 in population "is responsible under this situation; the Governor, the county board, or is the election commissioner an independent office holder similar to the elected county office holders?"

The answer to your initial question depends, to some extent, upon what you mean by asking to whom the election commissioner "is responsible." Under Section 36 of LB 76, the Governor shall remove the election commissioner in counties over 50,000 in population:

> . . . when it appears that (1) he or she has been derelict in the performance of the duties of his or her office, (2) he or she is incompetent, (3) his or her conduct is prejudicial to the public interest, (4) he or she has appointed incompetent, negligent, or corrupt precinct or district inspectors, judges of election, clerks of election, or deputy registrars, (5) a fair and impartial registration of election was not obtained in any district of the county, or (6) the act was not enforced in the county.

Therefore, the Governor has the power to remove the election commissioner under LB 76, and in that sense, the election commissioner "is responsible" to the Governor.[1] Also, amendments to LB 76 provide that the Nebraska Secretary of State may "review the practices and procedures of election commissioners," so the election commissioner has some responsibility to the Secretary of State.

On the other hand, under Section 36 of LB 76 the election commissioner is "responsible for the enforcement of the Election Act as it relates to his or her office and for the competency, integrity and conduct of his or her chief deputy election commissioner and all personnel appointed by him or her." In addition, the election commissioner also has a number of specified additional powers and duties under the bill. For example, the election commissioner adopts rules and regulations for elections and the registration of voters, and the election commissioner selects and appoints places of voter registration and polling places. This makes the position appear more like "an independent office holder similar to the elected county office

holders." Therefore, if you wish to have the election commissioner "responsible" to any other entity in a specific sense, we suggest that you may wish to consider some form of amendments to the bill.

Your second question goes directly to the authority of the county board over the election commissioner. Specifically, you ask, "{s}ince the bill {LB 76} designates the election commissioner, deputy and staff as county employees, does the county board have the necessary authority under this legislation to require them to comply with established county personnel policies and procedures?"

One case from the Nebraska Supreme Court is helpful with respect to your second question. In Sarpy County Public Employees Association v. County of Sarpy, 220 Neb. 431, 370 N.W.2d 495 (1985), the Court considered whether the Sarpy County Board or various county officials including the register of deeds, county clerk, county assessor, election commissioner, and county surveyor had authority to bargain collectively with the labor union representing the Sarpy County employees in those offices. The Court ultimately held that, ". . . each publicly elected official, with the exception of the county assessor, is the person authorized to speak on behalf of the county with regard to those employees working in that public official's individual office." Id. at 434, 370 N.W.2d at 497. The Court based its decision, in part, on Neb. Rev. Stat. § 23-1111 (1983) which provided that county officers in all counties had the authority to hire necessary clerks and assistants for such periods and at such salaries as those officers determined with the approval of the county board. The Court also stated,

> . . . the statutes make it relatively clear that in most instances the elected officials are authorized in the first instance to hire their own employees, set their salaries and prescribe their terms and conditions of employment. See § 23-1111. While § 23-1111 speaks only about salary, it seems obvious that the body or official authorized to set the salary has, by necessary implication, the authority to prescribe the manner in which the work must be done in order to entitle the employee to the salary set by the county official.

Id. at 435, 370 N.W.2d at 498, (emphasis added).

It appears to us that the election commissioner for counties over 50,000 in population created by LB 76 would be a county officer because the bill provides that the election commissioner is employed by the county, and because the position created by the bill entails many of the indicia of public office, e.g., the election commissioner is appointed for a specific term, the position is created by statute, and the position has duties and authority beyond that of a mere employee. See Eason v. Majors, 111 Neb. 288, 196 N.W. 133 (1923). Since the current version of Section 23-1111 remains the same as the language discussed in the Sarpy County Public Employees Association case, and since Section 34 of LB 76 also gives the election commissioner the authority to hire assistants and other election personnel, we believe that the holding of the Sarpy County Public Employees Association case would apply to the election commissioners established by LB 76 for

counties over 50,000 in population. Those officials would be county officers, and under that case, the election commissioner and not the county board would be the official to establish personnel policies and procedures for his or her employees.[2] If you wish a different result, you may wish to consider appropriate amendments for LB 76.

[1] Under the current statute, Neb. Rev. Stat. § 32-209 (1988), the Governor may also remove the election commissioner for specified breaches of duty. However, that statute goes further than Section 36 of LB 76 in that it also allows any citizen of the county to "institute an action to order the Governor to remove the commissioner or his deputy, or both."

[2] This conclusion applies to counties over 50,000 in population which are under 150,000 in population. Personnel policies and procedures for counties over 150,000 in population are governed by separate statutory civil service systems. See Neb. Rev. Stat. §§ 23-2501 to 23-2516 and 23-2517 to 23-2533 (1991).

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

05-11-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

MESSAGE FROM THE GOVERNOR

February 9, 1994

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

Dear Madam President, Speaker Withem, and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Special Education Accountability Commission, requiring legislative approval.

APPOINTEE: Lisa Fricke

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson

Governor

EBN:jc

REPORTS

Received report from the Nebraska Investment Council on South Africa related investments as required by 72-1273 (3) and 72-1274 (2) of the Nebraska Statutes.

Received quarterly report from the Nebraska Investment Finance Authority (NIFA) on 1992 Series A and Series B Community Development Loan Notes (City of Lincoln - 1992) Program as required pursuant to NEB. REV. STAT. § 58-270(4).

GENERAL FILE

LEGISLATIVE BILL 988. Mr. Bernard-Stevens offered the following amendment:
FA360

Amend by adding a new section as follows:

If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

The Bernard-Stevens amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Chambers renewed his pending amendment, FA359, found in the Journal on page 668.

The Chambers amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Lindsay offered the following amendment:
AM3122

1. Strike original section 6 and insert the following new section:

"Sec. 6. (1) Any person who possesses a firearm in a school, on school grounds, or at a school-sponsored activity or athletic event shall be guilty of the offense of unlawful possession of a firearm on school grounds. Unlawful possession of a firearm on school grounds shall be a Class IV misdemeanor. This subsection shall not apply to (a) the issuance of firearms to or possession by members of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps or peace officers or other duly authorized law enforcement officers when on duty or training or (b) to the temporary loan of pistols, revolvers, or any other form of short-barreled

firearms for instruction or other lawful use under the immediate supervision of a parent or guardian or adult instructor.

(2) Any firearm possessed in a school, on school grounds, at a school-sponsored activity or athletic event shall be confiscated without warrant by a peace officer or by school administrative or teaching personnel. Any firearm confiscated by school administrative or teaching personnel shall be delivered to a peace officer as soon as practicable.

(3) Any firearm confiscated by or given to a peace officer pursuant to subsection (2) of this section shall be declared a common nuisance and shall be held by the peace officer prior to his or her delivery of the firearm to the property division of the law enforcement agency which employs the peace officer. The property division of such law enforcement agency shall hold such firearm for as long as the firearm is needed as evidence. After the firearm is no longer needed as evidence it shall be destroyed in such manner as the court may direct.

(4) Whenever a firearm is confiscated and held pursuant to this section, the peace officer who received such firearm shall cause to be filed within ten days after the confiscation a petition for destruction of such firearm. The petition shall be filed in the district court of the county in which the confiscation is made. The petition shall describe the firearm held, the name of the owner, if known, allege the essential elements of the violation which caused the confiscation, and conclude with a prayer for disposition and destruction in such manner as the court may direct. At any time after the confiscation of the firearm and prior to court disposition, the owner of the firearm seized may petition the district court of the county in which the confiscation was made for possession of the firearm. The court may release the firearm to such owner only if (a) the claim of ownership can reasonably be shown to be true and (b) the owner of the firearm can show that the firearm was taken from his or her residence unlawfully and that such residence is different from the person from whom the firearm was confiscated.".

Mr. Lindsay offered the following amendment to his pending amendment:

FA361

Amend AM3122 as follows:

On page 1, line 20 after "or" insert "may be confiscated without warrant"

The Lindsay amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Ashford offered the following amendment to the Lindsay pending amendment:
FA362
Amend AM3122
Sec 6 line 7 - by changing Class IV to Class I.

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

Mrs. Robak moved to bracket LB 988 until February 17, 1994.

Mrs. Robak moved the previous question. The question is, "Shall the debate now close?"

Mrs. Robak moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, and 22 not voting.

The Robak motion to bracket lost with 9 ayes, 27 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The Ashford pending amendment, FA362, to the Lindsay pending amendment, AM3122, was renewed.

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

MR. HALL PRESIDING

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

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

Mr. Ashford moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Ashford requested a roll call vote on his amendment.

Mr. Lindsay requested the roll call vote be taken in reverse order.

Voting in the affirmative, 12:

Abboud	Byars	Engel	Pirsch	Wickersham
Ashford	Crosby	Jones	Wesely	Witek
Bromm	Cudaback			

Voting in the negative, 20:

Avery	Day	Hall	Lindsay	Pedersen
Bernard-Stevens	Elmer	Hartnett	Lynch	Robinson
Bohlke	Fisher	Kristensen	Matzke	Schmitt
Chambers	Haberman	Landis	Monen	Wehrbein

Present and not voting, 10:

Hillman	Janssen	Moore	Rasmussen	Schimek
Hudkins	McKenzie	Preister	Robak	Vrtiska

Excused and not voting, 7:

Beutler	Dierks	Warner	Will	Withem
Coordsen	Schellpeper			

The Ashford amendment lost with 12 ayes, 20 nays, 10 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the Lindsay pending amendment:
FA363
Amend AM3122,
Page 1, after "instruction", strike all language through "adult instructor" and insert, "under the immediate supervision of an adult instructor."

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

MRS. CROSBY PRESIDING

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

The Chambers amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Lindsay offered the following amendment to his pending amendment:
FA364
Amend AM3122 as follows:
1) On page 2, line 24 strike "(a)";
2) On page 2, line 23 strike "may" and insert "shall";
3) On pg 2 line 25 strike "(b)" and insert "either (a)"
4) On pg 2, line 27 strike residence in both places where it appears and insert, "property or place of business"
5) On pg 3, line 1 strike the period and insert, (b) or the owner of the firearm is acquitted of the charge of unlawful possession of a firearm on school grounds."

The Lindsay amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

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

Mr. Chambers offered the following amendment to the Lindsay pending amendment:
FA365
Amend AM3122
Page 1, line 13, beginning with "to" through "firearms" and insert "to firearms which may lawfully be possessed by the person receiving instruction,"

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The Chambers amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mmes. Hillman, Hudkins, and Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

Mr. Lindsay moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The Lindsay amendment, AM3122, as amended, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting,

The Chair declared the call raised.

Messrs. Landis, Bromm, and Dierks asked unanimous consent to be excused. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1075. Placed on General File as amended. (Standing Committee amendment, AM3082, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 1236. Placed on General File as amended.
Standing Committee amendment to LB 1236:
AM3083

1. On page 2, line 5, strike "continuously"; in line 6 strike "has consented" and insert "is hereby declared to be and does hereby consent"; and strike beginning with "and" in line 6 through "state" in line 7.

2. On page 5, line 22, strike "The" and insert "In accordance with applicable law, the".

(Signed) DiAnna R. Schimek, Chairperson

Judiciary

LEGISLATIVE BILL 1023. Placed on General File.
LEGISLATIVE BILL 1117. Placed on General File.
LEGISLATIVE BILL 1129. Placed on General File.
LEGISLATIVE BILL 1330. Placed on General File.
LEGISLATIVE BILL 1345. Placed on General File.

LEGISLATIVE BILL 927. Indefinitely postponed.
LEGISLATIVE BILL 1012. Indefinitely postponed.
LEGISLATIVE BILL 1013. Indefinitely postponed.
LEGISLATIVE BILL 1018. Indefinitely postponed.
LEGISLATIVE BILL 1024. Indefinitely postponed.
LEGISLATIVE BILL 1344. Indefinitely postponed.
LEGISLATIVE BILL 1346. Indefinitely postponed.
LEGISLATIVE BILL 1347. Indefinitely postponed.
LEGISLATIVE BILL 1348. Indefinitely postponed.
LEGISLATIVE BILL 1357. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

Urban Affairs

LEGISLATIVE BILL 1119. Placed on General File.

LEGISLATIVE BILL 1114. Placed on General File as amended.

Standing Committee amendment to LB 1114:
AM3080

1. On page 6, line 17, strike "or easements" and show as stricken.

LEGISLATIVE BILL 1120. Placed on General File as amended.
Standing Committee amendment to LB 1120:
AM3081

1. Strike original sections 1 and 2 and insert the following new sections:

"Section 1. That section 14-813, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-813. Whenever the right of appeal is conferred by this act, the procedure, unless otherwise provided, shall be substantially as follows: The claimant or appellant shall, within twenty days from the date of the order complained of, execute a bond to such city with sufficient surety to be approved by the clerk, conditioned for the faithful prosecution of such appeal, and the payment of all costs adjudged against the appellant. Such bond shall be filed in the office of the city clerk. ~~It~~ Upon the request of the appellant and the payment by the appellant to the city clerk or his or her designee of the estimated cost of preparation of the transcript, it shall be the duty of the city clerk ~~, on payment or tender to him of the costs of the transcript, at the rate of ten cents per hundred words, to prepare~~ to see that a complete transcript of the proceedings of the city relating to their decision thereon is prepared. The cost of preparing the transcript shall be calculated in the same manner as the calculation of the fee for a court reporter for the preparation of a bill of exceptions as specified in section 25-1140.09. At such time as the completed transcript is presented to the appellant, the appellant shall pay the amount of the cost of preparation which is over and above the estimated amount already paid or shall receive a refund of such portion as was paid above the final actual cost. It shall be the duty of the claimant or appellant to file a petition in the district court as in the commencement of an action within thirty days from the date of the order or award appealed from, and he or she shall also file such transcript before answer day. The proceedings of the district court shall thereafter be the same as on appeal from the county board. Any taxpayer may appeal from the allowance of any claim against the city by giving a bond and complying with ~~the foregoing provisions; PROVIDED, the foregoing provisions~~ this section.

This section shall not be so construed as to prevent the city council from once reconsidering their action on any claim or award upon ten days' notice to the parties

interested.

Sec. 2. That section 19-2424, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-2424. ~~It~~ Upon the request of the owner appealing a special assessment and the payment by him or her of the estimated cost of preparation of the transcript to the city or village clerk or such clerk's designee, it shall be the duty of the city or village clerk~~, on tender or payment to him of the cost of preparing the transcript at the rate of ten cents per one hundred words, to prepare~~ to see that a complete transcript of the proceedings before such city or village is prepared. The cost of preparing the transcript shall be calculated in the same manner as the calculation of the fee for a court reporter for the preparation of a bill of exceptions as specified in section 25-1140.09. At such time as the completed transcript is provided to the appellant, the appellant shall pay the amount of the cost of preparation which is over and above the estimated cost already paid or shall receive a refund of such portion as was paid above the actual cost.".

LEGISLATIVE BILL 1130. Placed on General File as amended.
Standing Committee amendment to LB 1130:
AM3034

1. On page 2, lines 5 and 9, after the second comma insert "streets,"; in line 11, strike "Public", show as stricken, and insert "Streets, public" and after "ways" insert an underscored comma; and in line 15 after the last comma insert "streets,".

(Signed) D. Paul Hartnett, Chairperson

Natural Resources

LEGISLATIVE BILL 1207. Placed on General File as amended.
Standing Committee amendment to LB 1207:
AM3115

1. Strike original sections 3 and 9 and insert the following new sections:

"Sec. 8. Any sanitary and improvement district which is located in whole or in part within a county having a population of under fifty thousand inhabitants and which district includes real property located within one mile of the boundary of a solid waste disposal site for which a permit application is pending or for which a permit has been issued pursuant to section 13-2036 shall obtain the approval of the governing body of any county, municipality, or agency which has applied for or which is a holder of such permit prior to entering into any contract or agreement for or otherwise

providing for building, reconstructing, purchasing, or otherwise acquiring or providing any improvements or facilities pursuant to section 31-708, 31-727, or 31-744, and prior to the acquisition of any property pursuant to section 31-712, 31-714, 31-736, 31-737, or 31-738.

For purposes of this section, county, municipality, and agency shall have the definitions provided in the Integrated Solid Waste Management Act.

Sec. 10. That section 77-2704.15, Revised Statutes Supplement, 1993, be amended to read as follows:

77-2704.15. (1) Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of purchases by the state, including public educational institutions recognized or established under the provisions of Chapter 85, or by any county, township, city, village, ~~or~~ rural or suburban fire protection district, or any joint entity or agency formed by any combination of two or more counties, townships, cities, or villages pursuant to the Interlocal Cooperation Act, except for purchases for use in the business of furnishing gas, water, electricity, or heat, or by any irrigation or reclamation district, the irrigation division of any public power and irrigation district, or public schools established under Chapter 79.

(2) The appointment of purchasing agents shall be recognized for the purpose of altering the status of the construction contractor as the ultimate consumer of property which is physically annexed to the structure and becomes the property of the state or the governmental unit. The appointment of purchasing agents shall be in writing and occur prior to having any property annexed to real estate in the construction, improvement, or repair. The contractor who has been appointed as a purchasing agent may apply for a refund of or use as a credit against a future use tax liability the tax paid on inventory items annexed to real estate in the construction, improvement, or repair of a project for the state or a governmental unit.

(3) Any governmental unit listed in subsection (1) of this section, except the state, which enters into a contract of construction, improvement, or repair upon property annexed to real estate without first issuing a purchasing agent authorization to a contractor or repairperson prior to property being annexed to real estate in the project may apply to the Tax Commissioner for a refund of any sales and use tax paid by the contractor or repairperson on the property physically annexed to real estate in the construction, improvement, or repair.

Sec. 12. If any section in this act or any part of any section shall be declared invalid or unconstitutional,

such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 14. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 6, line 12, strike "and" and insert an underscored comma and after "care" insert ", and undertake investigative and corrective action"; in line 14 strike "or" and insert an underscored comma and after "care" insert ", and investigative and corrective action"; and in line 17 strike "this", after "section" insert "13-2024", and after the period insert "Every county, municipality, and agency may approve, execute, and deliver contractual agreements to assume financial responsibility for the payment of costs of closure, postclosure care, or investigative or corrective action with respect to any facility. Such agreements may provide for a binding general obligation of such county, municipality, or agency obligating payments in future years. For the payment or performance of the terms of any such agreement, any county or municipality may agree to levy or cause to be levied an annual tax upon the taxable property within such county or municipality in an amount sufficient for such purposes. Any such tax shall for all purposes of Nebraska law, including limitations upon budget, revenue, and expenditures of public funds, have the same status as a tax levied for the purpose of paying the bonded indebtedness of such county or municipality. Every county, municipality, and agency may also approve, execute, and deliver one or more trust agreements, with any bank having trust powers or a trust company, providing for the creation of one or more special trust funds to provide for the payment of costs of closure, postclosure care, or investigative or corrective action. No county, municipality, or agency shall be required to provide proof of financial responsibility to obtain or renew a permit for a facility which is not used for disposal of solid waste.".

3. On page 9, line 25 strike "November 30" and insert "December 31".

4. On page 20, line 12, strike "grass and leaves" and insert "accumulations of grass or shrubbery cuttings, leaves, and other organic materials collected as a result of the care of lawns, shrubbery, vines, and gardens"; in line 13 strike "13-2020,"; in line 15 strike "25-2803," and after "60-335," insert "77-2704.15,".

5. Renumber the remaining sections accordingly.

(Signed) Chris Beutler, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1025. Placed on Select File as amended.
E & R amendment to LB 1025:
AM5652

1. On page 2, line 7, strike "All" and insert "Each"; and in line 8 strike "applicants" and insert "applicant" and strike "their".

LEGISLATIVE BILL 876. Placed on Select File.
LEGISLATIVE BILL 877. Placed on Select File.
LEGISLATIVE BILL 878. Placed on Select File.

LEGISLATIVE BILL 978. Placed on Select File as amended.
E & R amendment to LB 978:
AM5656

1. Insert the following new section:

"Sec. 34. That section 44-6003, Revised Statutes Supplement, 1993, be amended to read as follows:

44-6003. Adjusted risk-based capital report shall mean a risk-based capital report which has been adjusted by the director in accordance with subsection ~~(3)~~ (5) of section 44-6015.".

2. On page 1, line 6, after the fifth comma insert "44-6003,"; in line 15 after "prescribe" insert "certain unfair trade practices and"; in line 16 after the semicolon insert "to change internal references regarding group health coverage;"; and in line 17 after the semicolon insert "to provide fees for purchasing groups;".

3. On page 2, line 8, strike "to provide fees;" and in line 9 strike "duties" and insert "a duty".

4. On page 4, line 15, after the first "or" insert "material".

5. On page 8, line 5, strike the third "of"; and in line 20 strike the comma.

6. On page 9, line 23, after "person" insert an underscored comma.

7. On page 10, line 2, after "director" insert an underscored comma.

8. On page 44, line 23, strike "44" and insert "45".

9. On page 45, line 13, after "insurer" insert "to which the"; and in line 14 strike "to which".

10. On page 65, line 6, strike "51" and insert "52"; and in line 15 after the sixth comma insert "44-6003,".

11. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 872. Placed on Select File.

LEGISLATIVE BILL 895. Placed on Select File as amended.
E & R amendment to LB 895:
AM5653

1. On page 1, line 4, after "eliminate" insert "requirements for".

LEGISLATIVE BILL 918. Placed on Select File as amended.
E & R amendment to LB 918:
AM5654

1. On page 1, strike line 7 and insert "certain provisions relating to the issuance of such plates; and to".

LEGISLATIVE BILL 964. Placed on Select File.
LEGISLATIVE BILL 1021. Placed on Select File.

LEGISLATIVE BILL 874. Placed on Select File as amended.
E & R amendment to LB 874:
AM5655

1. On page 1, line 2, strike "81-1,110.15" and insert "81-8,110.15, 81-1,113"; and in line 8 strike "examining board" and insert "board of examiners".
2. On page 4, line 8, strike "and".
3. On page 5, line 22, strike "aspirants", show as stricken, and insert "applicants".
4. On page 7, line 25, after "board" insert an underscored comma.
5. On page 9, line 13, after "surveyor" insert an underscored comma.
6. On page 11, line 27, strike "certificate", show as stricken, and insert "certificates".
7. On page 15, line 25, after "shall" insert an underscored comma.
8. On page 16, line 7, strike "81-1,110.15" and insert "81-8,110.15, 81-1,113".

LEGISLATIVE BILL 925. Placed on Select File as amended.
E & R amendment to LB 925:
AM5657

1. On page 1, lines 2 and 3, strike "to add a board member" and insert "to change provisions relating to membership".

LEGISLATIVE BILL 948. Placed on Select File.
LEGISLATIVE BILL 1001. Placed on Select File.
LEGISLATIVE BILL 1004. Placed on Select File.

(Signed) Janis McKenzie, Chairperson

GENERAL FILE

LEGISLATIVE BILL 988. Considered.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 31:

Abboud	Byars	Hartnett	McKenzie	Robinson
Ashford	Crosby	Janssen	Monen	Vrtiska
Avery	Cudaback	Kristensen	Pedersen	Wesely
Bernard-Stevens	Day	Landis	Pirsch	Wickersham
Beutler	Engel	Lindsay	Rasmussen	Will
Bohlke	Fisher	Matzke	Robak	Witek
	Hall			

Voting in the negative, 1:

Chambers

Present and not voting, 6:

Elmer	Moore	Preister	Schimek	Schmitt
Jones				

Excused and not voting, 11:

Bromm	Haberman	Hudkins	Schellpeper	Wehrbein
Coordsen	Hillman	Lynch	Warner	Withem
Dierks				

Advanced to E & R for review with 31 ayes, 1 nay, 6 present and not voting, and 11 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 254, 407, and 511.

Enrollment and Review Change to LB 254

The following changes, required to be reported for publication in the Journal, have been made:

ER7404
1. On page 1, lines 4 and 5, "any other jurisdiction" has been struck and "other jurisdictions" inserted.

(Signed) Janis McKenzie, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of a Governor appointment.

Fricke, Lisa - Special Education Accountability Commission -- Education

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

MOTION - Suspend Rules

Mrs. Bohlke moved to suspend the rules, Rule 3, Section 13, to permit scheduling of a public hearing by the Education Committee for a gubernatorial appointment.

The Bohlke motion to suspend the rules prevailed with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Education

Governor Appointment Tuesday, February 15, 1994 1:30 p.m.
Lisa Fricke - Special Education Accountability Commission

(Signed) Ardyce Bohlke, Chairperson

General Affairs

LB 1085 Wednesday, February 23, 1994 1:30 p.m.

(Signed) Stan Shellpeper, Chairperson

Nebraska Retirement Systems

LB 1047 Thursday, February 17, 1994 12:00 noon

(Signed) Wm. R. Wickersham, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 308. Introduced by Robak, 22.

WHEREAS, Columbus native Chad Fleischer has been selected for the United States Olympic Ski Team; and

WHEREAS, Fleischer is the first native Nebraskan to ski for the United States; and

WHEREAS, Fleischer will compete in the Super-Giant Slalom with a possibility of skiing the Combined Downhill and Slalom in Lillehammer, Norway.

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

1. That the members of the Legislature congratulate Chad Fleischer and wish him good luck as he competes in the 1994 Winter Games.

2. That a copy of this resolution be sent to Mr. Fleischer.

Laid over.

ANNOUNCEMENT

Mr. Matzke designates LB 1129 as his priority bill.

UNANIMOUS CONSENT - Print in Journal

Mrs. Rasmussen asked unanimous consent to print the following amendment to LB 393 in the Journal. No objections. So ordered.

AM3099

1. Insert the following new sections:

"Section 1. That section 28-101, Revised Statutes Supplement, 1992, be amended to read as follows:

28-101. Sections 28-101 to 28-1348 and section 3 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 3. Upon completion of the investigation pursuant to section 28-713, the subject of the report shall be given written notice of the determination of the case and whether he or she will be entered into the central registry pursuant to subdivision (1), (2), or (3) of section 28-720. Such notice shall be sent by certified mail to the subject's last-known address and shall include:

(1) The nature of the report;

(2) The classification of the report; and

(3) Notification of the subject's right to a hearing and appeal in accordance with section 28-723.

Sec. 5. That section 28-714, Revised Statutes Supplement, 1993, be amended to read as follows:

28-714. The privileged communication between

patient and physician, between client and professional counselor, and between husband and wife shall not be a ground for excluding evidence in any judicial proceeding resulting from a report pursuant to sections 28-710 to 28-717 and section 3 of this act.

Sec. 7. That section 28-717, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-717. Any person who willfully fails to make any report required by the provisions of sections 28-710 to 28-717 and section 3 of this act, or knowingly releases confidential information other than as provided by sections 28-710 to 28-717 and section 3 of this act, shall be guilty of a Class III misdemeanor.

Sec. 8. That section 28-726, Revised Statutes Supplement, 1992, be amended to read as follows:

28-726. Except as provided in this section and section 28-722, no person, official, or agency shall have access to such records unless in furtherance of purposes directly connected with the administration of sections 28-710 to 28-727 and section 3 of this act. Such persons, officials, and agencies having access to such records shall include, but not be limited to:

(1) A law enforcement agency investigating a report of known or suspected abuse or neglect;

(2) A county attorney in preparation of an abuse, neglect, or termination petition;

(3) A physician who has before him or her a child whom he or she reasonably suspects may be abused or neglected;

(4) An agency having the legal responsibility or authorization to care for, treat, or supervise an abused or neglected child or a parent, a guardian, or other person responsible for the abused or neglected child's welfare who is the subject of a report;

(5) Any person engaged in bona fide research or auditing. No information identifying the subjects of the report shall be made available to the researcher or auditor;

(6) The State Foster Care Review Board when the records relate to a child in a foster care placement as defined in section 43-1301. The records provided to the state board shall not include the name or identity of any person making a report of suspected child abuse or neglect; and

(7) The designated protection and advocacy system authorized pursuant to the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. 6000, as amended, and the Protection and Advocacy for Mentally Ill Individuals Act, 42 U.S.C. 10801, as amended, acting upon a complaint received from or on behalf of a person with developmental disabilities or mental illness.

Sec. 17. Since an emergency exists, this act shall

be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 2, line 3; and page 5, line 26, after "28-733" insert "and section 3 of this act".

3. On page 13, line 25, strike "9" and insert "14"; and in line 28 after the first comma insert "28-717,".

4. On page 14, line 1, strike "and" and after "sections" insert "28-101,"; in line 2 after the second comma insert "28-726,"; and in line 3 after the last comma insert ", and section 28-714, Revised Statutes Supplement, 1993,".

5. Renumber the remaining sections accordingly.

Mrs. Rasmussen asked unanimous consent to print the following amendment to LB 393 in the Journal. No objections. So ordered.

AM3019

1. On page 12, line 3, strike "communication and coordination of services" and insert "coordination, communication,"; in line 13 strike "placement" and insert "notification of the juvenile's pending release and placement"; in line 14 strike "and services for the juvenile"; in line 15 strike "planning and coordination of" and insert "coordination, communication, and planning"; and in line 16 strike "services".

2. On page 13, strike lines 4 through 6 and insert "agency shall give notice to the Department of Correctional Services regarding the juvenile's pending release and post-release placement;"; strike beginning with "cannot" in line 8 through "plan" in line 9 and insert "do not communicate regarding the juvenile's pending release and post-release placement"; and in line 12 strike "and services".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 322 in the Journal. No objections. So ordered.

AM3128

(Amendments to E & R amendment, AM5625)

1. Strike sections 2 to 9 and insert the following new section:

"Sec. 2. Any using agency which procures services shall give notice of such procurement to the Department of Administrative Services and the Legislative Fiscal Analyst within thirty days of the procurement. Such notice shall include a brief description of the services procured, the name and address of the party providing the services, and a description of the compensation arrangement with the services providers. If a written contract exists evidencing the procurement of such services, a copy shall be provided to the Department of Administrative Services and the Legislative

Fiscal Analyst with the notice required by this section.".

2. On page 1, line 6, after "81-162" insert "and sections 2 to 4 of this act".

3. On page 14, line 1, strike "11" and insert "4"; and in line 7 strike "10" and insert "3".

4. On page 15, strike beginning with "sections" in line 12 through "are" in line 15 and insert "section 81-145, Revised Statutes Supplement, 1992, is".

5. Renumber the remaining sections accordingly.

Mr. Kristensen asked unanimous consent to print the following amendment to LB 322 in the Journal. No objections. So ordered.

AM3127

(Amendments to E & R amendment, AM5625)

1. On page 1, line 6, after "81-162" insert "and section 81-1118".

2. On page 2, line 21, after "(e)" insert "Any advertising, marketing, public relations, and support services procured by the Department of Economic Development; (f)"; in line 24 strike "(f)" and insert "(g)"; and in line 26 strike "(g)" and insert "(h)".

Mr. Pedersen asked unanimous consent to print the following amendment to LB 988 in the Journal. No objections. So ordered.

AM3126

1. On page 14, line 2, after "centers" insert "and any secure confinement facility for juvenile offenders"; and in line 19 strike the semicolon and insert ". Structured programming shall be scheduled for all juveniles committed to secure confinement. This programming shall include a strong academic program as well as classes in health education, living skills, vocational training, behavior management and modification, money management, family and parent responsibilities, substance abuse awareness, physical education, job skills training, and job placement assistance. Participation shall be required of all juveniles committed to a secure confinement facility. The goal of such structured programming shall be to provide the academic and life skills necessary for a juvenile to successfully return to his or her home and community upon release from the secure confinement facility; and".

UNANIMOUS CONSENT - Add Cointroducer

Mr. Jones asked unanimous consent to have his name added as cointroducer to LB 972. No objections. So ordered.

VISITORS

Visitors to the Chamber were Keith Ellis and Maria Kaczor from Scottsbluff; Bill Claybaugh from Carroll; Rhonda and Ed Smallwood from Chadron; 15 members of Leadership Tomorrow from Aurora; 15 seniors and teacher from Hampton High School; Deb McWilliams and Bob Selzer from Lincoln, Natalie Shelbourn from Valentine, Jo Van Schuyver from Gering, Ken Anderson from Ogallala, and Tim Holstfaster from Paxton; 62 eighth grade students and sponsor from Central City Middle School; and members of the Buffalo County Corn Growers.

The Doctor of the Day was Morris B. Mellion from Omaha.

MOTION - Adjournment

Mr. Landis moved to adjourn until 9:00 a.m., Friday, February 11, 1994. The motion prevailed with 18 ayes, 0 nays, and 31 not voting, and at 11:51 a.m., the Legislature adjourned until 9:00 a.m., Friday, February 11, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-THIRD DAY - FEBRUARY 11, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 11, 1994

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Heather Withers, Christ Unity Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Fisher, Lynch, and Withem who were excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Bromm, Landis, Lindsay, Moore, Pedersen, Schellpeper, Warner, Wesely, Will, Mmes. Bohlke, and Robak who were excused until they arrive.

MR. HALL PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-second day was approved.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 10, 1994. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Becker, Reynold E. - Schaumburg, IL Alliance of American Insurers

Brooks, Loel P. - Lincoln	The Anis Eye Institute, P.C.
Crosby, Guenzel, Davis, Kessner & Kuester	
Crosby, Robert B. - Lincoln	Lower Platte South NRD (Withdrawn 02/03/94)
Hovarka, Duane - Elmwood	Nebraska Wildlife Federation
McFarland, James D. - Lincoln	Common Cause/Nebraska
Rasmussen, Dennis L. - Lincoln	Propane Gas Association of Nebraska (Withdrawn 06/30/93)
Schmit Industries, Inc.	
Schmit, Loran - David City	Ethanol Research Development & Promotion Associates
Skochdopole, R. A. - Omaha	Health Future Foundation (Withdrawn 01/31/94)
	Immanuel Medical Center

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems

LB 1338	Tuesday, February 22, 1994	7:00 p.m.
LB 1036	Tuesday, February 22, 1994	7:00 p.m.
LB 1073	Tuesday, February 22, 1994	7:00 p.m.
LB 893	Tuesday, February 22, 1994	7:00 p.m.

(Signed) Wm. R. Wickersham, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 436A. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 436, Ninety-third Legislature, Second Session, 1994.

GENERAL FILE

LEGISLATIVE BILL 621. Title read. Considered.

Standing Committee amendment, AM2721, found in the Journal on page 350, was adopted with 26 ayes, 0 nays, 4 present and not voting, and 19 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 884. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 354. Title read. Considered.

Standing Committee amendment, AM2783, found in the Journal on page 434, was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Witek moved the previous question. The question is, "Shall the debate now close?"

Mrs. Witek moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Chambers requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 22:

Abboud	Cudaback	Janssen	Pirsch	Vrtiska
Avery	Dierks	Jones	Robak	Wehrbein
Byars	Engel	Kristensen	Schellpeper	Wickersham
Coordsen	Hillman	Pedersen	Schmitt	Witek
Crosby	Hudkins			

Voting in the negative, 3:

Preister	Schimek	Wesely

Present and not voting, 11:

Beutler	Haberman	Hartnett	McKenzie	Rasmussen
Chambers	Hall	Matzke	Monen	Robinson
Day				

Excused and not voting, 13:

Ashford	Bohlke	Fisher	Lynch	Will
Bernard-Stevens	Bromm	Landis	Moore	Withem
	Elmer	Lindsay	Warner	

The motion to cease debate lost with 22 ayes, 3 nays, 11 present and not voting, and 13 excused and not voting.

Pending.

The Chair declared the call raised.

PRESIDENT ROBAK PRESIDING

LEGISLATIVE BILL 938. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 977. Title read. Considered.

Standing Committee amendment, AM2799, printed separately from the Journal and referred to on page 470, was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Mr. Coordsen renewed the Warner-Wickersham-Hartnett-Schellpeper-Will pending amendment, AM2963, found in the Journal on page 596.

The Warner et al. amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 123. Title read. Considered.

Standing Committee amendment, AM2808, printed separately from the Journal and referred to on page 471, was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Messrs. Kristensen and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 212. Title read. Considered.

Mrs. Hillman withdrew her pending amendment, AM2774, printed separately from the Journal and referred to on page 413.

Messrs. Lindsay and Monen asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Hillman offered the following amendment:
(Amendment, AM3153, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

The Hillman amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 1001A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 1004A. Title read. Considered.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Ms. Schimek moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting and 13 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1005. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1071A. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1993, LB 541, section 63; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1071, Ninety-third Legislature, Second Session, 1994; to reduce appropriations; to state intent; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1035A. Introduced by Rasmussen, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1035, Ninety-third Legislature, Second Session, 1994.

UNANIMOUS CONSENT - Print in Journal

Mrs. Witek asked unanimous consent to print the following amendment to LB 511 in the Journal. No objections. So ordered.

AM3137

(Amendments to Final Reading copy)

1. Strike section 1.
2. On page 14, line 18, after "subdivision" insert ", other than a city of the metropolitan class,".
3. On page 15, line 2, strike "14-402,".
4. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORTS
Agriculture

LEGISLATIVE BILL 770. Indefinitely postponed.
LEGISLATIVE BILL 950. Indefinitely postponed.

(Signed) Merton L. Dierks, Chairperson

UNANIMOUS CONSENT - Member Excused

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

MOTION - Place LB 1018 on General File

Mr. Ashford moved to place LB 1018 on General File notwithstanding the action of the Judiciary Committee.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 892. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 899. Title read. Considered.

Advanced to E & R for review with 27 ayes, 1 nay, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1026. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 930. Title read. Considered.

Ms. Schimek moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 0 nays, and 27 not voting.

Advanced to E & R for review with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 868. Title read. Considered.

Standing Committee amendment, AM2835, found in the Journal on page 502, was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

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

LEGISLATIVE BILL 1017. Title read. Considered.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 941. Title read. Considered.

Standing Committee amendment, AM2826, found in the Journal on page 502, was considered.

Mr. Bromm offered the following amendment to the Standing Committee amendment:
FA366
Amend Committee Amendment AM2826:
On Page 1, Line 2, after the word "and" insert the word "or".

The Bromm amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 889. Title read. Considered.

Standing Committee amendment, AM2845, found in the Journal on page 508, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 971. Title read. Considered.

Standing Committee amendment, AM2846, found in the Journal on page 508, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Messrs. Kristensen and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

MR. HALL PRESIDING

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 883. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 883A. Title read. Considered.

Mr. Abboud moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 942. Title read. Considered.

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

Advanced to E & R for review with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 980. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1015. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 967. Title read. Considered.

Standing Committee amendment, AM2853, found in the Journal on page 509, was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 929. Title read. Considered.

Standing Committee amendment, AM2840, found in the Journal on page 513, was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1106. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1106A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Messrs. Jones, Coordsen, Vrtiska, and Mrs. Hillman asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1116. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Elmer asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 979. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Mrs. Bohlke asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 913. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 398, 416, 451, 490, 608, 608A, 934, 1019, and 1027.

Enrollment and Review Change to LB 490

The following changes, required to be reported for publication in the Journal, have been made:
ER7405
1. In the E & R amendment, AM5629:
a. On page 2, line 9, "inflected" has been struck and "inflicted" inserted; and
b. On page 6, line 1, "act" has been struck and "section" inserted.

Enrollment and Review Change to LB 608

The following changes, required to be reported for publication in the Journal, have been made:
ER7407
1. On page 1, line 4, "a term" has been struck and "terms" inserted.

Enrollment and Review Change to LB 1027

The following changes, required to be reported for publication in the Journal, have been made:
ER7406
1. On page 2, line 9, "the" has been inserted before "State" and "Nebraska"; and in line 11 "the" has been inserted after "and".

(Signed) Janis M. McKenzie, Chairperson

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 1248. Placed on General File as amended.
Standing Committee amendment to LB 1248:
AM3162

1. Strike the original sections and insert the following new sections:

"Section 1. Any individual who is less than nineteen years of age and who is subject to the supervision of a juvenile probation officer or an adult probation officer pursuant to an order of the district court, county court, or juvenile court shall, as a condition of probation, be required to:

(1) Attend school to obtain vocational training or to achieve an appropriate educational level as prescribed by the probation officer after consultation with the school the individual attends or pursuant to section 3 of this act. If the individual fails to attend school regularly, maintain appropriate school behavior, or make satisfactory progress as determined by the probation officer after consultation with the school and the individual does not meet the requirements of subsection (2) of this section, the district court, county court, or juvenile court shall take appropriate action to enforce, modify, or revoke its order granting probation; or

(2) Attend an on-the-job training program or secure and maintain employment. If the individual fails to attend the program or maintain employment and does not meet the requirements of subsection (1) of this section, the district court, county court, or juvenile court shall take appropriate action to enforce, modify, or revoke its order granting probation.

Sec. 2. Section 1 of this act shall not apply to individuals who pass the general education development test or who earn a high school diploma. Subsection (2) of section 1 of this act shall not apply to an individual required to attend school pursuant to section 79-201.

Sec. 3. (1) If the individual chooses to meet the requirements of section 1 by attending a public school and the individual has previously been expelled from school, prior to the readmission of the individual to the school, school officials shall meet with the individual's probation officer and assist in developing conditions of probation that will provide specific guidelines for behavior and consequences for misbehavior at school as well as educational objectives that must be achieved. The district court, county court, or

juvenile court shall review the conditions of probation for the individual and may continue the expulsion or return the individual to school under the agreed conditions.

(2) The school board may expel the individual for subsequent actions as provided in section 79-4,180.

(3) The individual shall be screened by the school to which he or she is admitted for possible disabilities as provided in the Special Education Act and, if the screening so indicates, be referred for evaluation for possible placement in a special education program.

Sec. 4. The school district and the district court, county court, or juvenile court may establish education, counseling, or other programs to improve the behavior and educational performance of individuals covered by section 1 of this act.".

(Signed) John Lindsay, Chairperson

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 694. Placed on Select File as amended.
(E & R amendment, AM5650, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Janis McKenzie, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 309. Introduced by Wesely, 26; Bohlke, 33; Abboud, 12; Ashford, 6; Bernard-Stevens, 42; Beutler, 28; Byars, 30; Coordsen, 32; Crosby, 29; Cudaback, 36; Day, 19; Dierks, 40; Engel, 17; Haberman, 44; Hall, 7; Hartnett, 45; Hillman, 48; Hudkins, 21; Janssen, 15; Jones, 43; Kristensen, 37; Landis, 46; Lindsay, 9; Matzke, 47; McKenzie, 34; Moore, 24; Pedersen, 39; Pirsch, 10; Preister, 5; Rasmussen, 20; Robak, 22; Robinson, 16; Schmitt, 41; Vrtiska, 1; Warner, 25; Wickersham, 49; Will, 8; Witek, 31.

WHEREAS, the Legislature officially chartered the University of Nebraska, in Lincoln, on February 15, 1869; and

WHEREAS, today marks the one hundred twenty-fifth anniversary of Nebraska's comprehensive state university, established under the federal Land-Grant Act; and

WHEREAS, the University of Nebraska was the first institution west of the Mississippi River to offer graduate education, beginning in 1903; and

WHEREAS, the University of Nebraska was admitted to the prestigious Association of American Universities in 1909 and is today one of only fifty-eight universities to hold AAU membership; and

WHEREAS, the University of Nebraska has developed excellent programs in a wide range of disciplines and has served hundreds of thousands of Nebraska citizens in its one-hundred-twenty-five-year history; and

WHEREAS, the many alumni of the University of Nebraska who have achieved recognition in their respective careers bear testimony to the quality of instruction and the caliber of the faculty who taught and inspired them; and

WHEREAS, throughout its history, the University of Nebraska has remained true to its mission by offering the citizens of this state the highest possible quality instruction, research, and service.

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

1. That the University of Nebraska be congratulated on this historic occasion for its outstanding heritage and for its innumerable contributions to the life, learning, culture, and productivity of this state.

That copies of this resolution be sent to the appropriate officials of the University of Nebraska.

Laid over.

UNANIMOUS CONSENT - Withdraw Cointroducer

Mrs. McKenzie asked unanimous consent to have her name withdrawn as cointroducer to LB 1152. No objections. So ordered.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Preister asked unanimous consent to have his name added as cointroducer to LB 988. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of the First Presbyterian Church youth group from Scottsbluff; Mylon Ferguson, Ralph Olson, Jo Houser, and Greg Butts from Sydney; Steve Kay and his son, Steve, from North Platte; and a group from David City.

ADJOURNMENT

At 12:11 p.m., on a motion by Mr. Abboud, the Legislature adjourned until 9:00 a.m., Monday, February 14, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-FOURTH DAY - FEBRUARY 14, 1994

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 14, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor James Lingren, St. Mark's Lutheran Church, Verdon, Nebraska and St. Peter's Lutheran Church, Falls City, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Bernard-Stevens, Bromm, Chambers, Dierks, Fisher, Haberman, Kristensen, Landis, Lindsay, Moore, Warner, Ms. Day, Mmes. Hillman, and Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 310. Introduced by Witek, 31.

WHEREAS, there are many Nebraska citizens who enjoy the hobby of collecting, preserving, restoring, and maintaining historical motor vehicles; and

WHEREAS, the hobbyists and their families participate in vehicle-related activities and share their interest with other persons who are not collectors but who enjoy an interest in historical vehicles; and

WHEREAS, some of the activities include car shows, swap meets, interclub meets, concours, and tours featuring such historical vehicles.

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

1. That June 12 through 18, 1994, be designated as Nebraska Old Vehicle Hobby Interest Recognition Week.

Laid over.

MOTION - Approve Appointments

Ms. Schimek moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following Governor appointment found in the Journal on page 633: Ellen Lierk - Nebraska Accountability and Disclosure Commission.

Voting in the affirmative, 27:

Abboud	Elmer	Janssen	Pirsch	Vrtiska
Beutler	Engel	Jones	Robak	Wesely
Bohlke	Fisher	Lynch	Schellpeper	Will
Byars	Hall	Matzke	Schimek	Witek
Crosby	Hartnett	Pedersen	Schmitt	Withem
Cudaback	Hudkins			

Voting in the negative, 0.

Present and not voting, 9:

Ashford	Coordsen	Monen	Robinson	Wickersham
Avery	McKenzie	Preister	Wehrbein	

Excused and not voting, 13:

Bernard-Stevens	Chambers	Haberman	Landis	Rasmussen
Bromm	Day	Hillman	Lindsay	Warner
	Dierks	Kristensen	Moore	

The appointment was confirmed with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Ms. Schimek moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following Governor appointment found in the Journal on page 633: Virgie Louis - Nebraska State Personnel Board.

Voting in the affirmative, 26:

Abboud	Beutler	Byars	Cudaback	Elmer
Avery	Bohlke	Crosby	Dierks	Fisher

Hartnett	Lynch	Preister	Schimek	Will
Hudkins	Matzke	Robak	Schmitt	Witek
Janssen	Pedersen	Schellpeper	Vrtiska	Withem
Jones				

Voting in the negative, 0.

Present and not voting, 12:

Ashford	Hall	Monen	Robinson	Wesely
Coordsen	Kristensen	Pirsch	Wehrbein	Wickersham
Engel	McKenzie			

Excused and not voting, 11:

Bernard-Stevens	Chambers	Hillman	Lindsay	Rasmussen
	Day	Landis	Moore	Warner
Bromm	Haberman			

The appointment was confirmed with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Mr. Abboud moved the adoption of the report of the Business and Labor Committee for the following Governor appointment found in the Journal on page 663: James D. McFarland - Nebraska Commission of Industrial Relations.

Voting in the affirmative, 25:

Abboud	Crosby	Hudkins	Preister	Vrtiska
Ashford	Cudaback	Jones	Robak	Wesely
Avery	Dierks	Matzke	Schellpeper	Will
Bromm	Engel	Pedersen	Schimek	Witek
Byars	Fisher	Pirsch	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 15:

Beutler	Elmer	Janssen	McKenzie	Robinson
Bohlke	Hall	Kristensen	Monen	Wehrbein
Coordsen	Hartnett	Lynch	Rasmussen	Wickersham

Excused and not voting, 9:

Bernard-Stevens	Chambers	Haberman	Landis	Moore
	Day	Hillman	Lindsay	Warner

The appointment was confirmed with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mrs. Bohlke moved the adoption of the report of the Education Committee for the following Governor appointments found in the Journal on page 664: Don R. Thompson, Fernando Lecuono, Derald Kohles, Randall Hergott, Lt. James Pearson, Richard H. Chaffin, and Dr. Pearl A. Hansen - Nebraska Safety Center Advisory Council.

Voting in the affirmative, 26:

Abboud	Crosby	Hudkins	Pedersen	Vrtiska
Avery	Dierks	Janssen	Preister	Wehrbein
Bohlke	Engel	Landis	Robak	Wesely
Bromm	Fisher	Lynch	Schellpeper	Will
Byars	Hartnett	Matzke	Schmitt	Withem
Coordsen				

Voting in the negative, 0.

Present and not voting, 15:

Ashford	Elmer	Kristensen	Pirsch	Schimek
Beutler	Hall	McKenzie	Rasmussen	Wickersham
Cudaback	Jones	Monen	Robinson	Witek

Excused and not voting, 8:

Bernard-Stevens	Chambers	Haberman	Lindsay	Warner
	Day	Hillman	Moore	

These appointments were confirmed with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 202.

A BILL FOR AN ACT relating to marriage; to amend section 30-2316, Reissue Revised Statutes of Nebraska, 1943; to adopt the Uniform Premarital Agreement Act; to provide severability; to provide when the act takes effect; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Crosby	Hartnett	McKenzie	Schimek
Ashford	Cudaback	Hillman	Monen	Schmitt
Avery	Day	Hudkins	Pedersen	Vrtiska
Bernard-Stevens	Dierks	Janssen	Pirsch	Wehrbein
Beutler	Elmer	Jones	Preister	Wesely
Bohlke	Engel	Kristensen	Rasmussen	Wickersham
Bromm	Fisher	Landis	Robak	Will
Byars	Haberman	Lynch	Robinson	Witek
Coordsen	Hall	Matzke	Schellpeper	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Chambers	Lindsay	Moore	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 337.

A BILL FOR AN ACT relating to mental health commitment; to amend section 83-1041, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to board-ordered treatment; to eliminate provisions relating to certification by the director of a facility; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Crosby	Hartnett	McKenzie	Schimek
Ashford	Cudaback	Hillman	Monen	Schmitt
Avery	Day	Hudkins	Pedersen	Vrtiska
Bernard-Stevens	Dierks	Janssen	Pirsch	Wehrbein
Beutler	Elmer	Jones	Preister	Wesely
Bohlke	Engel	Landis	Rasmussen	Wickersham
Bromm	Fisher	Lindsay	Robak	Will
Byars	Haberman	Lynch	Robinson	Witek
Coordsen	Hall	Matzke	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 1:

Kristensen

Excused and not voting, 3:

Chambers Moore Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 381.

A BILL FOR AN ACT relating to the University of Nebraska; to amend section 85-106.05, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the insurance program for student athletes; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Crosby	Hartnett	McKenzie	Schimek
Ashford	Cudaback	Hillman	Monen	Schmitt
Avery	Day	Hudkins	Pedersen	Vrtiska
Bernard-Stevens	Dierks	Janssen	Pirsch	Wehrbein
	Elmer	Jones	Preister	Wesely
Beutler	Engel	Landis	Rasmussen	Wickersham
Bohlke	Fisher	Lindsay	Robak	Will
Bromm	Haberman	Lynch	Robinson	Witek
Byars	Hall	Matzke	Schellpeper	Withem
Coordsen				

Voting in the negative, 0.

Present and not voting, 1:

Kristensen

Excused and not voting, 3:

Chambers Moore Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 441.

A BILL FOR AN ACT relating to political subdivisions; to amend section 25-2501, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to acquisition of private property for public use; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Crosby	Hartnett	McKenzie	Schimek
Ashford	Cudaback	Hillman	Monen	Schmitt
Avery	Day	Hudkins	Pedersen	Vrtiska
Bernard-Stevens	Dierks	Janssen	Pirsch	Wehrbein
	Elmer	Jones	Preister	Wesely
Bohlke	Engel	Kristensen	Rasmussen	Wickersham
Bromm	Fisher	Landis	Robak	Will
Byars	Haberman	Lindsay	Robinson	Witek
Coordsen	Hall	Matzke	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 2:

Beutler Lynch

Excused and not voting, 3:

Chambers Moore Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 461.

A BILL FOR AN ACT relating to the Jail Standards Board; to amend sections 83-4,124 and 83-4,125, Revised Statutes Supplement, 1992; to change provisions relating to membership on the board; to redefine terms; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Crosby	Hartnett	Matzke	Schellpeper
Avery	Cudaback	Hillman	McKenzie	Schimek
Bernard-Stevens	Day	Hudkins	Monen	Schmitt
Beutler	Dierks	Janssen	Pedersen	Vrtiska
Bohlke	Elmer	Jones	Pirsch	Wesely
Bromm	Engel	Kristensen	Preister	Wickersham
Byars	Fisher	Landis	Rasmussen	Will
Coordsen	Haberman	Lindsay	Robak	Witek
	Hall	Lynch	Robinson	Withem

Voting in the negative, 0.

Present and not voting, 2:

Ashford Wehrbein

Excused and not voting, 3:

Chambers Moore Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 488.

A BILL FOR AN ACT relating to professional corporations; to amend sections 21-2201 and 21-2219, Reissue Revised Statutes of Nebraska, 1943; to authorize Nebraska professional corporations to provide services in other states; to provide for certain foreign professional corporations to provide services in Nebraska as prescribed; to provide for a certificate of authority; to define a term; to provide for consolidation or merger with a foreign professional corporation; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Coordsen	Hall	Lynch	Robinson
Ashford	Crosby	Hartnett	Matzke	Schellpeper
Avery	Cudaback	Hillman	McKenzie	Schimek
Bernard-Stevens	Day	Hudkins	Monen	Schmitt
Beutler	Dierks	Janssen	Pedersen	Vrtiska
Bohlke	Elmer	Jones	Pirsch	Wehrbein
Bromm	Engel	Kristensen	Preister	Wesely
Byars	Fisher	Landis	Rasmussen	Wickersham
	Haberman	Lindsay	Robak	Will

Witek Withem

Voting in the negative, 0.

Excused and not voting, 3:

Chambers Moore Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 501. With Emergency.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-727, 31-733, 31-740, 31-744, and 39-1405, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to contracts with certain counties; to provide for reimbursement for mileage expenses; to authorize the removal of snow and ice from streets as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Crosby	Hartnett	McKenzie	Schimek
Ashford	Cudaback	Hillman	Monen	Schmitt
Avery	Day	Hudkins	Pedersen	Vrtiska
Bernard-Stevens	Dierks	Janssen	Pirsch	Wehrbein
Beutler	Elmer	Jones	Preister	Wesely
Bohlke	Engel	Landis	Rasmussen	Wickersham
Bromm	Fisher	Lindsay	Robak	Will
Byars	Haberman	Lynch	Robinson	Witek
Coordsen	Hall	Matzke	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 1:

Kristensen

Excused and not voting, 3:

Chambers Moore Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 760.

A BILL FOR AN ACT relating to homesteads; to amend section 40-115, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Crosby	Hillman	McKenzie	Schimek
Ashford	Cudaback	Hudkins	Monen	Schmitt
Avery	Day	Janssen	Pedersen	Vrtiska
Bernard-Stevens	Dierks	Jones	Pirsch	Wehrbein
Beutler	Elmer	Kristensen	Preister	Wesely
Bohlke	Engel	Landis	Rasmussen	Wickersham
Bromm	Fisher	Lindsay	Robak	Will
Byars	Haberman	Lynch	Robinson	Witek
Coordsen	Hall	Matzke	Schellpeper	Withem
	Hartnett			

Voting in the negative, 0.

Excused and not voting, 3:

Chambers	Moore	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 421 to Select File

Mr. Kristensen moved to return LB 421 to Select File for the following specific amendment:
FA367
Strike the enacting clause.

Mr. Will moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Kristensen withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 421. With Emergency.

A BILL FOR AN ACT relating to utility service; to amend section 86-334, Reissue Revised Statutes of Nebraska, 1943; to adopt the One-Call Notification System Act; to change a notification requirement relating to road projects; to provide penalties; to provide operative dates; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Crosby	Hillman	McKenzie	Schellpeper
Ashford	Cudaback	Hudkins	Monen	Schimek
Avery	Day	Janssen	Moore	Vrtiska
Bernard-Stevens	Dierks	Jones	Pedersen	Wehrbein
Bohlke	Elmer	Kristensen	Pirsch	Wesely
Bromm	Fisher	Landis	Preister	Wickersham
Byars	Haberman	Lindsay	Rasmussen	Will
Coordsen	Hall	Lynch	Robak	Witek
	Hartnett	Matzke	Robinson	Withem

Voting in the negative, 0.

Present and not voting, 3:

Beutler Engel Schmitt

Excused and not voting, 2:

Chambers Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 202, 337, 381, 441, 461, 488, 501, 760, and 421.

SELECT FILE

LEGISLATIVE BILL 28. E & R amendment, AM5607, printed separately from the Journal and referred to on page 411, was adopted.

Mr. Bernard-Stevens renewed his pending amendment, AM2877, found in the Journal on page 516.

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

The Bernard-Stevens amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

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

Mr. Chambers offered the following amendment:
FA368
Add new section:
"Carrier enforcement officers shall not be authorized to carry side arms on their person"

SPEAKER WITHEM PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Ashford	Day	Landis	McKenzie	Wesely
Beutler	Dierks	Lindsay	Monen	Wickersham
Chambers	Haberman	Lynch	Preister	Will
Coordsen	Hall	Matzke	Rasmussen	Withem

Voting in the negative, 28:

Abboud	Byars	Hartnett	Moore	Schimek
Avery	Crosby	Hillman	Pedersen	Schmitt
Bernard-Stevens	Cudaback	Hudkins	Pirsch	Vrtiska
	Elmer	Janssen	Robak	Wehrbein
Bohlke	Engel	Jones	Robinson	Witek
Bromm	Fisher	Kristensen	Schellpeper	

Excused and not voting, 1:

Warner

The Chambers amendment lost with 20 ayes, 28 nays, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Haberman offered the following amendment:
FA369
Amend by adding the following language:
to allow side arms only at interstate stations

Messrs. Beutler, Lynch, Elmer, Dierks, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Haberman moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Chambers requested a record vote on the Haberman amendment.

Voting in the affirmative, 13:

Ashford	Hall	Lindsay	Schimek	Wickersham
Chambers	Hartnett	Matzke	Wesely	Will
Haberman	Landis	Monen		

Voting in the negative, 25:

Abboud	Byars	Engel	Kristensen	Schellpeper
Avery	Coordsen	Fisher	Moore	Schmitt
Bernard-Stevens	Crosby	Hillman	Pedersen	Vrtiska
	Cudaback	Hudkins	Pirsch	Wehrbein
Bohlke	Day	Jones	Robinson	Witek
Bromm				

Present and not voting, 6:

Beutler	McKenzie	Preister	Rasmussen	Withem
Janssen				

Excused and not voting, 5:

Dierks	Elmer	Lynch	Robak	Warner

The Haberman amendment lost with 13 ayes, 25 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Messrs. Robinson and Beutler asked unanimous consent to be excused. No objections. So ordered.

Mr. Haberman offered the following amendment:
FA370
Amend by adding a new section that provides that carrier enforcement personnel can carry firearms on person when working interstate and drive on rural area

Pending.

STANDING COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 1108. Indefinitely postponed.
LEGISLATIVE BILL 1276. Indefinitely postponed.
LEGISLATIVE BILL 1325. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

Business and Labor

LEGISLATIVE BILL 911. Placed on General File as amended.
Standing Committee amendment to LB 911:
AM2990

1. Strike original sections 2 and 6.
2. On page 2, line 3, strike "4 and 5" and insert "3 and 4".
3. On page 3, line 23, strike "4" and insert "3".
4. On page 11, line 11, strike ", 48-809," and insert "and"; and in line 12 strike "and 48-818,".

(Signed) Chris Abboud, Chairperson

Agriculture

LEGISLATIVE BILL 1274. Indefinitely postponed.
LEGISLATIVE BILL 1335. Indefinitely postponed.

(Signed) Merton L. Dierks, Chairperson

Judiciary

LEGISLATIVE BILL 1328. Placed on General File as amended.
Standing Committee amendment to LB 1328:
AM3120

1. Insert the following new sections:
"Section 1. That section 29-2204, Revised Statutes Supplement, 1993, be amended to read as follows:

29-2204. (1) Except as provided in subsection (4) of this section and except when a term of life is required by law, in imposing an indeterminate sentence upon an offender, the court shall:

(a) Fix the minimum and maximum limits of the sentence to be served within the limits provided by law, ~~except that when a maximum limit of life is imposed by the court for a Class IB felony, the minimum limit may be any term of years not less than the statutory mandatory minimum~~ but the minimum limit fixed by the court shall not be greater than one-third of the statutory maximum limit;

(b) Advise the offender on the record the time the offender will serve on his or her minimum term before attaining parole eligibility assuming that no good time for which the offender will be eligible is lost; and

(c) Advise the offender on the record the time the offender will serve on his or her maximum term before attaining mandatory release assuming that no good time for which the offender will be eligible is lost.

If any discrepancy exists between the statement of the minimum limit of the sentence and the statement of parole eligibility or between the statement of the maximum limit of the sentence and the statement of mandatory release, the statements of the minimum limit and the maximum limit shall control the calculation of the offender's term. If the court imposes more than one sentence upon an offender or imposes a sentence upon an offender who is at that time serving another sentence, the court shall state whether the sentences are to be concurrent or consecutive.

(2)(a) When the court is of the opinion that imprisonment may be appropriate but desires more detailed information as a basis for determining the sentence to be imposed than has been provided by the presentence report required by section 29-2261, the court shall commit an offender to the Department of Correctional Services for a period not exceeding ninety days. The department shall conduct a complete study of the offender during that time, inquiring into such matters as his or her previous delinquency or criminal experience, social background, capabilities, and mental, emotional, and physical health and the rehabilitative resources or programs which may be available to suit his or her needs. By the expiration of the period of commitment or by the expiration of such additional time as the court shall grant, not exceeding a further period of ninety days, the offender shall be returned to the court for sentencing and the court shall be provided with a written report of the results of the study, including whatever recommendations the department believes will be helpful to a proper resolution of the case. After receiving the report and the recommendations,

the court shall proceed to sentence the offender in accordance with subsection (1) of this section. The term of the sentence shall run from the date of original commitment under this subsection.

(b) In order to encourage the use of this procedure in appropriate cases, all costs incurred during the period the defendant is held in a state institution under this subsection shall be a responsibility of the state and the county shall be liable only for the cost of delivering the defendant to the institution and the cost of returning him or her to the appropriate court for sentencing or such other disposition as the court may then deem appropriate.

(3)(a) Commencing July 1, 1996, when the court is of the opinion that imprisonment may be appropriate, but that a brief and intensive period of incarceration may serve the interests of society by promoting the rehabilitation of the offender and by deterring the offender from engaging in further criminal activity, the court may commit an offender to the Department of Correctional Services for a period not exceeding one hundred eighty days for placement in a regimented inmate discipline unit followed by one year of intense parole supervision. The court may consider such commitment if the offender (i) has been found guilty of a nonviolent crime, (ii) is seventeen years of age or older but younger than twenty-five years and has no physical or mental handicap that precludes strenuous physical activity, and (iii) has never before been sentenced to a period of incarceration for a felony offense in this or any other state or federal jurisdiction.

(b) Upon successful completion of the term of commitment, the offender shall be placed under the jurisdiction of the Board of Parole for a period of one year. All provisions of Chapter 83, article 1, relating to parole, except eligibility for parole, shall apply to the offender. If the parole of the offender is revoked, the offender shall be returned to the sentencing court for resentencing on the original conviction.

(c) If the offender for any reason fails to complete the program of regimented inmate discipline, the offender shall immediately be returned to the sentencing court for resentencing on the original conviction. Credit shall be given for time actually served in the program.

(d) All costs incurred during the period the offender is held in a regimented inmate discipline unit shall be the responsibility of the state, and the county shall be liable only for the cost of returning him or her to the appropriate court for resentencing or such other disposition as the court may then deem appropriate.

(4) Whenever the defendant was under eighteen years

of age at the time he or she committed the crime for which he or she was convicted, the court may in its discretion, instead of imposing the penalty provided for the crime, make such disposition of the defendant as the court deems proper under the Nebraska Juvenile Code.

Sec. 2. That section 47-502, Revised Statutes Supplement, 1993, be amended to read as follows:

47-502. Any person sentenced to a city or county jail shall have his or her term reduced seven days for each ~~fourteen~~ seven consecutive days during which he or she has not committed any breach of discipline or other violation of jail regulations. The reductions authorized by this section shall be granted at the end of each period of ~~fourteen~~ seven days, with such periods to run consecutively from the date of confinement following sentencing.

Sec. 3. That section 47-503, Revised Statutes Supplement, 1993, be amended to read as follows:

47-503. (1) Credit against a jail term shall be given to any person sentenced to a city or county jail, including a person sentenced to jail as part of a sentence of probation, for time spent in jail as a result of the criminal charge for which the jail term is imposed or as a result of conduct upon which such charge is based. Such credit shall include, but not be limited to, time spent in jail:

(a) Prior to trial;

(b) During trial;

(c) Pending sentence;

(d) Pending resolution of an appeal; and

(e) Prior to delivery of such person to the county board of corrections or, in counties which do not have a county board of corrections, the county sheriff.

(2) Credit to any person sentenced to a city or county jail who is eligible for credit pursuant to subsection (1) of this section shall be set forth as part of the sentence at the time such sentence is imposed.

Sec. 15. Except when a term of life is required by law, in imposing an indeterminate sentence upon the offender, the court shall:

(1) Fix the minimum and maximum limits of the sentence, but the minimum limit fixed by the court shall not be less than the minimum provided by law nor more than one-third of the maximum term and the maximum limit shall not be greater than the maximum provided by law;

(2) Impose a definite term of years, in which event the maximum term of the sentence shall be the term imposed by the court and the minimum term shall be the minimum sentence provided by law; or

(3) When the court is of the opinion that imprisonment may be appropriate but desires more detailed

information as a basis for determining the sentence to be imposed than has been provided by the presentence report, commit an offender to the department for a period not exceeding ninety days. For purposes of this section, offender shall mean both juveniles and adults. The department shall conduct a complete study of the offender during that time, inquiring into such matters as his or her previous delinquency or criminal experience, social background, capabilities, and mental, emotional, and physical health and the rehabilitative resources or programs which may be available to suit his or her needs. By the expiration of the period of commitment or by the expiration of such additional time as the court shall grant, not exceeding a further period of ninety days, the offender shall be returned to the court for sentencing and the court shall be provided with a written report of the results of the study, including whatever recommendations the department believes will be helpful to a proper resolution of the case. After receiving the report and the recommendations, the court shall proceed to sentence the offender in accordance with any applicable provision of law. The term shall run from the date of original commitment under this section. In order to encourage the use of this procedure in appropriate cases, all costs incurred during the period the defendant is held in a state institution under this subdivision shall be a responsibility of the state and the county shall be liable only for the cost of delivering the defendant to the institution and the cost of returning him or her to the appropriate court for sentencing or such other disposition as the court may then deem appropriate.

Sec. 16. That section 83-1,135, Revised Statutes Supplement, 1993, be amended to read as follows:

83-1,135. Sections 83-170 to 83-1,135 and section 15 of this act shall be known and may be cited as the Nebraska Treatment and Corrections Act.".

2. On page 2, line 28, strike the underscored semicolon and insert "or who" and reinstate the stricken "has".

3. On page 3, line 1, reinstate the stricken matter beginning with "been" through "violence"; and in line 4 after the stricken "Act" insert "unless the person convicted of a crime of violence is within eighteen months of his or her tentative release date" and reinstate the stricken semicolon.

4. On page 11, line 1, after "sections" insert "29-2204, 47-502, 47-503,"; and in line 2 strike "and" and after the last comma insert "and 83-1,135,".

5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 936. Indefinitely postponed.

LEGISLATIVE BILL 1331. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 424 and 630.

Enrollment and Review Change to LB 630

The following changes, required to be reported for publication in the Journal, have been made:
ER7408

1. In the E & R amendments, AM5645, on page 4, line 9; and page 5, line 10, the new matter has been struck and the stricken ", and, except" has been reinstated.

(Signed) Janis M. McKenzie, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 311. Introduced by Crosby, 29; Landis, 46.

WHEREAS, a Prairie Peace Park is being developed in Seward County near I-80; and

WHEREAS, the peace park was designed as an international peace and environmental park to create awareness among the public that social and economic injustices must be corrected, that war must be eliminated, that environmental degradation must be stopped, and that global perspectives must be developed; and

WHEREAS, a children's maze, a grass maze, an earth sculpture, a mural, and environmental exhibits are included as part of the park which was landscaped with the prairie itself.

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

1. That the Legislature recognizes the development of the Prairie Peace Park.

2. That the Legislature encourages participation in the opening of the Prairie Peace Park on June 11, 1994.

Laid over.

STANDING COMMITTEE REPORT
Health and Human Services

The Committee on Health and Human Services desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Dennis Hirschbrunner - Board of Health

VOTE: Aye: Senators Byars, Day, Dierks, Matzke, Rasmussen, Wesely, and Vrtiska. Absent: None.

(Signed) Don Wesely, Chairperson

ANNOUNCEMENT

Mr. Warner designates LB 683 as his priority bill.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 14, 1994, at 10:55 a.m., were the following bills: 202, 337, 381, 441, 461, 488, 501, 760, and 421.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LR 15CA in the Journal. No objections. So ordered.

AM2865

1. On page 1, line 12, after "presented" insert ", with a thorough summary read," and in line 13 strike "and" and insert ", and the bill".

2. On page 2, line 13, after "presented" insert "with a thorough summary read"; and in line 14 after "large" insert "of the bill".

Mr. Hall asked unanimous consent to print the following amendment to LB 376 in the Journal. No objections. So ordered.

AM3163

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 71-5804, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5804. Ambulatory surgical facility shall mean a freestanding facility, not a part of a hospital, which as its primary function provides on an outpatient basis surgical procedures not ordinarily performed in a private physician's

office to patients who are generally ambulatory. Ambulatory surgical facility shall also ~~but shall not~~ include the private offices or clinics of physicians, podiatrists, or dentists who engage in the lawful practice of surgery in such offices or clinics.

Sec. 2. That section 71-5810, Revised Statutes Supplement, 1993, be amended to read as follows:

71-5810. Health care facility shall include hospitals, psychiatric hospitals, tuberculosis hospitals, skilled nursing facilities, kidney disease treatment centers, including freestanding hemodialysis units, intermediate care facilities, nursing facilities, freestanding ambulatory surgical facilities that are not a part of the professional practice of an independent practitioner, partnership, limited liability company, or professional corporation, inpatient facilities owned or controlled by health maintenance organizations, rehabilitation facilities, and other comparable facilities.

Health care facility shall not include: (1) Christian Science Sanatoriums operated or listed and certified by the First Church of Christ Scientist, Boston, Massachusetts; (2) ; facilities operated solely as part of the professional practice of an independent practitioner, partnership, limited liability company, or professional corporation as defined in section 21-2202; (3) ; home health agencies; (4) ~~, or~~ alcoholism or drug abuse treatment facilities which do not offer medical services under professional supervision; or (5) ambulatory surgical facilities that are operated as part of the professional practice of an independent practitioner, partnership, limited liability company, or professional corporation.

Sec. 3. That section 71-5831, Revised Statutes Supplement, 1993, be amended to read as follows:

71-5831. The Nebraska Health Care Certificate of Need Act shall not apply to health maintenance organization ambulatory care facilities; to ambulatory surgical facilities that are operated as part of the professional practice of an independent practitioner, partnership, limited liability company, or professional corporation; or to the offices operated solely as part of the private medical practice of an independent practitioner, partnership, limited liability company, or professional corporation except for acquisitions of clinical equipment which costs more than nine hundred thousand dollars, if purchased, and which is to be used to provide services to inpatients of a hospital on more than a temporary basis in the event of a natural disaster, major accident, or equipment failure. No person shall engage in the purchase, acquisition, or lease of clinical equipment in excess of a base amount of nine hundred thousand dollars as

adjusted under this section, if purchased, and which would be located in the State of Nebraska, without having first applied for and received the necessary certificate of need. Notwithstanding any exemption provided by this section, no person shall acquire any clinical equipment which costs more than a base amount of nine hundred thousand dollars as adjusted under this section, if purchased, without having first provided thirty days' written notice to the department. The notice shall describe the equipment, state its cost and proposed location, and state whether the equipment will be used to provide services to hospital inpatients on more than an occasional and irregular basis. Failure to provide such notice shall require such person to apply for and receive a certificate of need. On October 1 of each year, the department shall adjust the base amount by an amount equal to the percentage change in the Department of Commerce Composite Construction Cost Index from October 1, 1989, through the period most recently reported.

Sec. 4. That original section 71-5804, Reissue Revised Statutes of Nebraska, 1943, and sections 71-5810 and 71-5831, Revised Statutes Supplement, 1993, are repealed.".

UNANIMOUS CONSENT - Add Cointroducers

Mr. Withem asked unanimous consent to have his name added as cointroducer to LR 307. No objections. So ordered.

Ms. Schimek, Messrs. Wehrbein, and Withem asked unanimous consent to have their names added as cointroducers to LR 309. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Cointroducer

Ms. Schimek asked unanimous consent to have her name withdrawn as cointroducer to LB 1293. No objections. So ordered.

VISITORS

Visitors to the Chamber were four students and sponsor from Chadron State College; Linda Wieman from Howells; Miss Kim Frederick; 16 first through eighth grade students and sponsor from McCook; and Willis Fintel and Rex Paul from Red Cloud.

The Doctor of the Day was Craig Treptow from Lincoln.

ADJOURNMENT

At 11:59 a.m., on a motion by Mr. Byars, the Legislature adjourned until 9:00 a.m., Tuesday, February 15, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-FIFTH DAY - FEBRUARY 15, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 15, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor William Williams, Jr., Clair Memorial United Methodist Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Byars, Mrs. Hudkins, and Ms. Schimek who were excused; and Messrs. Abboud, Avery, Beutler, Bromm, Chambers, Hall, Kristensen, Landis, Lindsay, Lynch, Pedersen, Warner, Will, Ms. Day, and Mrs. Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

MESSAGE FROM THE GOVERNOR

February 10, 1994

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

Dear Madam President, Speaker Withem, and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Commission for the Hearing Impaired, requiring legislative approval.

APPOINTEES: Richard D. McCowin, Michael D. Gooch, Janet L. Haun

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

REPORTS

Received statement of deposits from the Department of Roads for the Highway Cash Fund and Roads Operation Cash Fund for January 1994 in compliance with section 66-4,144, R.S. Supp. 1992.

Received annual report from the Department of Environmental Quality on Litter Reduction and Recycling Program in accordance with Rev. Stat. Section 81-1553 (Reissue 1981 and Cum. Supp. 1986), as amended.

Received annual report from the Nebraska Energy Office in accordance with provisions of Section 81-1607, Nebraska Revised Statutes (1988 Supplement).

MOTION - Approve Appointment

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following Governor appointment found in the Journal on page 727: Dennis Hirschbrunner - Board of Health.

Voting in the affirmative, 25:

Bernard-Stevens	Dierks	Janssen	Preister	Vrtiska
Bohlke	Engel	Matzke	Robak	Wehrbein
Coordsen	Fisher	McKenzie	Robinson	Wesely
Crosby	Hartnett	Monen	Schellpeper	Witek
Cudaback	Hillman	Pirsch	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 5:

Elmer	Haberman	Jones	Moore	Wickersham

Excused and not voting, 19:

Abboud	Bromm	Hall	Lindsay	Schimek
Ashford	Byars	Hudkins	Lynch	Warner
Avery	Chambers	Kristensen	Pedersen	Will
Beutler	Day	Landis	Rasmussen	

The appointment was confirmed with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 298. Read. Considered.

LEGISLATIVE RESOLUTION 305. Read. Considered.

LEGISLATIVE RESOLUTION 306. Read. Considered.

LEGISLATIVE RESOLUTION 307. Read. Considered.

LEGISLATIVE RESOLUTION 308. Read. Considered.

LEGISLATIVE RESOLUTION 309. Read. Considered.

LEGISLATIVE RESOLUTION 310. Read. Considered.

LEGISLATIVE RESOLUTION 311. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 298, 305, 306, 307, 308, 309, 310, and 311 were adopted with 21 ayes, 0 nays, and 28 not voting.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 1206. Placed on General File.

LEGISLATIVE BILL 995. Indefinitely postponed.

(Signed) Ardyce Bohlke, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1201. Placed on General File as amended.
Standing Committee amendment to LB 1201:
AM3193

1. Insert the following new section:

"Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage

and approval, according to law.".

2. On page 9, line 27, after "person" insert an underscored comma; and in line 28 after "committee" insert an underscored comma.

3. On page 10, line 2, strike "or receives".

(Signed) DiAnna R. Schimek, Chairperson

SELECT FILE

LEGISLATIVE BILL 28. Mr. Haberman withdrew his pending amendment, FA370, found in the Journal on page 721.

Mr. Haberman offered the following amendment:
FA371

Amend by adding a new section to provide as follows:

"Carrier enforcement personnel can carry firearms on their person during such times as they are working on the interstate highway system or when they are involved in pursuit of persons who leave the interstate system and travel into a rural area."

Messrs. Wickersham, Vrtiska, and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Haberman moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Chambers	Hall	Lindsay	Matzke	Preister
Coordsen	Hartnett	Lynch	Monen	Wesely
Haberman	Landis			

Voting in the negative, 22:

Avery	Crosby	Jones	Pirsch	Schmitt
Bernard-Stevens	Cudaback	Kristensen	Robak	Wehrbein
Bohlke	Elmer	McKenzie	Robinson	Witek
Bromm	Engel	Moore	Schellpeper	Withem
	Fisher	Pedersen		

Present and not voting, 3:

Dierks	Janssen	Rasmussen

Excused and not voting, 12:

Abboud	Byars	Hudkins	Vrtiska	Wickersham
Ashford	Day	Schimek	Warner	Will
Beutler	Hillman			

The Haberman amendment lost with 12 ayes, 22 nays, 3 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Mr. Kristensen and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Bernard-Stevens requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 29:

Avery	Day	Janssen	Moore	Schmitt
Bernard-Stevens	Elmer	Jones	Pedersen	Vrtiska
	Engel	Kristensen	Pirsch	Wehrbein
Bohlke	Fisher	Lindsay	Robak	Wesely
Bromm	Hartnett	Lynch	Robinson	Witek
Cudaback	Hillman	McKenzie	Schellpeper	Withem

Voting in the negative, 8:

Beutler	Coordsen	Haberman	Landis	Matzke
Chambers	Crosby	Hall		

Present and not voting, 4:

Dierks	Monen	Preister	Rasmussen

Excused and not voting, 8:

Abboud	Byars	Schimek	Wickersham	Will
Ashford	Hudkins	Warner		

Advanced to E & R for engrossment with 29 ayes, 8 nays, 4 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Members Excused

Messrs. Beutler, Landis, Haberman, Dierks, Mrs. Bohlke, and Ms. Day asked unanimous consent to be excused until they return. No objections. So ordered.

STANDING COMMITTEE REPORT
Transportation

The Committee on Transportation desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Motor Vehicle Industry Licensing Board
Mel Auch
Commission on Information Technology
Dr. Michael Cunning
Roger Kassebaum
Sheryl Lindau
Rachel LaBounty
Jack McBride
Floyd Olson
Robert Sweeney
Craig Schroeder
Carol Aschenbrener, M.D.
Nebraska Railway Council
Michael Shannon
Don Coash
Board of Public Roads Classification and Standards
Leslie Chaffin
William Lindholm
Arthur Yonkey
Gene Acklie
Nebraska Highway Commission
Russell S. Eisenhart, Jr.
Robert Kayton
Duane Acklie

VOTE: Aye: Senators Byars, Day, Fisher, Matzke, Kristensen, Pedersen, Pirsch, and Schmitt. Nay: None. Absent: None.

(Signed) Doug Kristensen, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 1204	Wednesday, February 23, 1994	1:30 p.m.
LB 975	Wednesday, February 23, 1994	1:30 p.m.
LB 860	Wednesday, February 23, 1994	1:30 p.m.
LB 1125	Wednesday, February 23, 1994	1:30 p.m.
LB 1349	Wednesday, February 23, 1994	1:30 p.m.

LB 963	Thursday, February 24, 1994	1:30 p.m.
LB 985	Thursday, February 24, 1994	1:30 p.m.
LB 1170	Thursday, February 24, 1994	1:30 p.m.
LB 1038	Thursday, February 24, 1994	1:30 p.m.

Governor Appointments Friday, February 25, 1994 1:30 p.m.
Nebraska Ethanol Board
Dan J. Hughes
Gary S. Goldberg
Toby Dellamano
J. Patrick Hillebrandt
Clinton K. Jensen
Ron Stoddard
Glen Stewart
Nebraska Oil and Gas Conservation Commission
Ron Soper
Fred P. Curtiss

LB 949	Friday, February 25, 1994	1:30 p.m.
LB 953	Friday, February 25, 1994	1:30 p.m.
LB 958	Friday, February 25, 1994	1:30 p.m.
LB 1277	Friday, February 25, 1994	1:30 p.m.

(Signed) Chris Beutler, Chairperson

Judiciary

LB 1220	Wednesday, February 23, 1994	1:30 p.m.
LB 1298	Wednesday, February 23, 1994	1:30 p.m.
LB 1333	Wednesday, February 23, 1994	1:30 p.m.
LB 1334	Wednesday, February 23, 1994	1:30 p.m.
LB 887	Thursday, February 24, 1994	1:30 p.m.
LB 890	Thursday, February 24, 1994	1:30 p.m.
LB 921	Thursday, February 24, 1994	1:30 p.m.
LB 1148	Thursday, February 24, 1994	1:30 p.m.
LB 1299	Thursday, February 24, 1994	1:30 p.m.
LB 1214	Friday, February 25, 1994	1:30 p.m.
LB 1225	Friday, February 25, 1994	1:30 p.m.
LR 299CA	Friday, February 25, 1994	1:30 p.m.

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Hall and Coordsen asked unanimous consent to print the following amendment to LB 286 in the Journal. No objections. So ordered.

AM3191

(Amendments to AM2794)

1. Strike section 3 and insert the following new section:

"Sec. 3. That section 48-669, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-669. (1) With respect to any claimant for whom there is current a benefit year, which has not expired prior to ~~August 30, 1987, the weekly benefit amount and maximum annual benefit amount shall be those amounts determined prior to August 30, 1987.~~

~~(2) After December 31, 1987, with respect to any claimant for whom there is current a benefit year, which has not expired prior to January 1 of the year immediately following the effective date of any legislative enactment which changes any~~ the effective date of any change in the weekly benefit amounts prescribed in section 48-624 or ~~changes~~ the maximum annual benefit amount prescribed in section 48-626, the weekly benefit amount and the maximum annual benefit amount shall be those amounts determined prior to ~~such date~~ the effective date of such change.

~~(3)~~ (2) After December 31, ~~1987~~ 1995, any changes in the weekly benefit amounts prescribed in section 48-624 or ~~changes~~ in the maximum annual benefit amount prescribed in section 48-626 enacted by the Legislature shall become effective on January 1 of the year following such legislative enactment.".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 76 in the Journal. No objections. So ordered.

AM2782

1. On page 130, strike beginning with "One" in line 20 through the period in line 22.

2. On page 132, strike beginning with "Each" in line 4 through line 10.

3. On page 203, strike beginning with "Receipt" in line 19 through line 26.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1306A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1306, Ninety-third Legislature, Second Session, 1994; to provide for a transfer; and to declare an emergency.

ANNOUNCEMENT

The Chair announced today is Senator Avery's birthday.

MR. HALL PRESIDING

SELECT FILE

LEGISLATIVE RESOLUTION 15CA. E & R amendment, AM5609, found in the Journal on page 411, was adopted.

Mr. Chambers renewed his pending amendment, FA352, found in the Journal on page 647.

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

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Chambers	Hall	Moore	Warner	Will
Crosby	Lindsay	Pirsch	Wesely	Witek
Haberman	Monen	Robak	Wickersham	

Voting in the negative, 19:

Abboud	Cudaback	Hillman	Lynch	Vrtiska
Avery	Elmer	Janssen	Matzke	Wehrbein
Bromm	Engel	Jones	Robinson	Withem
Coordsen	Fisher	Kristensen	Schmitt	

Present and not voting, 6:

Bernard-Stevens	Hartnett McKenzie	Pedersen	Preister	Schellpeper

Absent and not voting, 1:

Rasmussen

Excused and not voting, 9:

Ashford	Beutler	Bohlke	Byars	Day

Dierks Hudkins Landis Schimek

The Chambers amendment lost with 14 ayes, 19 nays, 6 present and not voting, 1 absent and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mrs. Rasmussen asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Wesely offered the following amendment:
AM2793

(Amendments to Final Reading copy)

1. Strike sections 1 and 2 and insert the following new sections:

"Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article III, section 14:

III-14 'Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member. The ~~, and the~~ bill and all amendments thereto shall be printed and presented ~~read at large~~ before the vote is taken upon its final passage and shall be read at large unless three-fifths of all the members elected vote not to read the bill and all amendments at large. No ~~such~~ vote upon the final passage of any bill shall be taken~~, however,~~ until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the ~~same~~ subject shall be clearly expressed in the title. ~~And no~~ No law shall be amended unless the new act contain the section or sections as amended and the section or sections so amended shall be repealed. The Lieutenant Governor, or the Speaker if acting as presiding officer, shall sign, in the presence of the Legislature while the same is in session and capable of transacting business, all bills and resolutions passed by the Legislature.'.

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

'A constitutional amendment to authorize the Legislature to vote upon final passage of a bill when the bill and all amendments thereto are printed, presented, and read at large unless reading at large is waived by three-fifths vote of the members elected.

For

14 Against'.".

Mr. Wesely withdrew his amendment.

Mr. Withem renewed his pending amendment, AM2865, found in the Journal on page 727.

Mrs. McKenzie asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment to the Withem pending amendment:
FA372
Amend AM2865, in line 2 after "read", add "at large".

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

The Chambers amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Withem moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Withem requested a roll call vote on his amendment, as amended.

Voting in the affirmative, 27:

Abboud	Coordsen	Hillman	Monen	Vrtiska
Avery	Crosby	Janssen	Pedersen	Wehrbein
Bernard-Stevens	Cudaback	Jones	Robinson	Wesely
Beutler	Elmer	Kristensen	Schellpeper	Will
Bromm	Engel	Lynch	Schmitt	Withem
	Fisher	Matzke		

Voting in the negative, 11:

Chambers	Lindsay	Pirsch	Robak	Wickersham
Hall	Moore	Preister	Warner	Witek
Hartnett				

Excused and not voting, 11:

Ashford	Day	Haberman	Landis	Rasmussen
Bohlke	Dierks	Hudkins	McKenzie	Schimek
Byars				

The Withem amendment, as amended, was adopted with 27 ayes, 11 nays, and 11 excused and not voting.

Pending.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 642 and 642A.

(Signed) Janis M. McKenzie, Chairperson

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 1046. Placed on General File as amended.
Standing Committee amendment to LB 1046:
AM3021

1. On page 2, line 10, strike "fund of the school" and insert "funds of the community college area"; and in line 11, after "board" insert ". For purposes of this section, appropriation shall mean the initial decision by the board to expend any funds of the community college area".

(Signed) Ardyce Bohlke, Chairperson

Health and Human Services

LEGISLATIVE BILL 900. Placed on General File as amended.
Standing Committee amendment to LB 900:
AM3158

1. Strike original section 27 and insert the following new sections:

"Sec. 27. Each person licensed to practice medicine and surgery and each person certified as a physician assistant, nurse practitioner, or nurse midwife who works in a public health clinic operating with a drug dispensing permit shall have two hours of training provided by a licensed actively practicing pharmacist in the following:

(1) Procedures for dispensing initial prescriptions and authorized refills of oral contraceptives;

(2) Procedures for dispensing approved drugs and devices;

(3) Federal and state laws regarding drug dispensing;

(4) Proper labeling of oral contraceptives and approved drugs and devices;

(5) Proper record keeping of initial and refilled prescriptions;

(6) Use of Volumes I and II of the United States Pharmacopeia-Drug Information;

(7) Proper pharmacist referral;

(8) Procedures for reaching the on-call pharmacist;

(9) Storage and security of approved formulary drugs and devices; and

(10) Patient information.

Sec. 28. Each person licensed as a registered nurse or licensed practical nurse who is not certified as a nurse practitioner or nurse midwife and who works in a public health clinic operating with a drug dispensing permit shall have eight hours of training provided by a licensed actively practicing pharmacist in the following:

(1) Procedures for dispensing initial prescriptions and authorized refills of oral contraceptives;

(2) Procedures for dispensing approved drugs and devices;

(3) Federal and state laws regarding drug dispensing;

(4) Proper labeling of oral contraceptives and approved drugs and devices;

(5) Proper record keeping of initial and refilled prescriptions;

(6) The actions, drug interactions, and effects of oral contraceptives and approved drugs and devices;

(7) Use of Volumes I and II of United States Pharmacopeia-Drug Information;

(8) Proper pharmacist referral;

(9) Procedures for reaching the on-call pharmacist;

(10) Storage and security of approved formulary drugs and devices; and

(11) Patient information.".

2. On page 2, line 5; page 11, line 25; page 13, line 27; and page 18, line 16, strike "30" and insert "31".

3. On page 8, line 20, after "clinic" insert "operating"; and in line 24, strike "and" and insert "or".

4. On page 18, lines 2 and 3; and page 19, lines 3 and 4, strike ", except as provided in section 23 of this act,".

5. On page 24, line 2, strike "30" and insert "31"; and in line 20 strike "board" and insert "department".

6. On page 25, line 3, strike "one" and insert "three"; in line 5 after "the" insert "actual"; in line 6 after "Committee" insert ", which cost shall be billed annually to the permittees by the department"; in line 7 strike "bureau" and insert "department"; in line 13 after "permit" insert "and if the complaint is found to be valid";

in line 16 strike "board" and insert "department"; in line 17 after the period insert "If the complaint is not found to be valid, the cost of the investigation shall be paid from the fund."; in line 18 strike "shall" and insert "may"; and in line 27 after "(5)" insert "Failure to pay inspection costs;

(6) Failure to pay any fee required by section 11 of this act;

(7)".

7. On page 26, line 1, strike "(6)" and insert "(8)"; in line 6 strike "(7)" and insert "(9)"; in line 8 strike "(8)" and insert "(10)"; in line 9 strike "30" and insert "31"; in line 12 strike "(9)" and insert "(11)"; and in line 18 strike "over the counter".

8. On page 27, line 1, strike "(10)" and insert "(12)"; and in line 4 strike "(11)" and insert "(13)".

9. On page 31, line 4, after "devices" insert "for contraception, sexually transmitted diseases, and vaginal infections"; in line 6 after "requirements" insert "which shall include directions on the use of drugs and devices, potential side effects and drug interactions, and criteria for contacting the on-call pharmacist"; and in line 17 strike beginning with "To" through "each" and insert "Each".

10. On page 32, line 3, after "clinic" insert "at least"; and in line 23 after "licensed" insert "or certified".

11. On page 33, line 9, after "workers" insert "or licensed or certified health care staff. The public health clinic for which a public health clinic worker is working shall be liable for acts or omissions on the part of the public health clinic worker"; in line 11 after "dispensed" insert "by a public health clinic worker or a health care professional licensed in Nebraska to practice medicine and surgery or licensed or certified in Nebraska as a registered nurse, licensed practical nurse, or physician assistant"; strike beginning with "accompanied" in line 12 through "conditions" in line 13; strike beginning with the comma in line 16 through the comma in line 17; in line 18 strike "an osteopathic physician," and insert "a"; in line 24 after "(4)" insert "Prescriptions are accompanied by patient instructions and written information approved by the director;

(5)"; and in line 25 after "licensed" insert "or certified".

12. On page 34, line 1, strike "(5)" and insert "(6)"; in line 5 strike "(6)" and insert "(7)" and strike the first "or" and insert "and"; in lines 6 and 7 strike "For" through "properly" and insert "Properly"; in line 8 after "container" insert "prior to dispensing"; in line 21 strike "(7)" and insert "(8) The following additional information is added to the label of each container when the drug or device is dispensed:

(a) The patient's name;

(b) The name of the prescribing health care professional;

(c) The prescription number; and

(d) The date dispensed;

(9)"; and in line 24 strike "(8)" and insert "(10)".

13. On page 35, line 2, strike beginning with "prior" through "dispensing" and insert "at the beginning of each day that dispensing will occur. The consultant pharmacist or practicing pharmacist shall inform the public health clinic if he or she will not be available during the time that his or her availability is required".

14. On page 36, line 14, after "licensed" insert "or certified"; in line 17 after the period insert "The public health clinic for which a public health clinic worker is working shall be liable for acts or omissions on the part of the public health clinic worker."; and in line 24 strike "twice" and insert "once".

15. On page 37, strike beginning with "designated" in line 7 through line 8 and insert "who are employees of the department with knowledge of and interest in reproductive health and sexually transmitted diseases;"; in lines 10 and 11 strike "from" through "Association" and insert ". The Nebraska Pharmacists Association may submit to the director a list of five persons of recognized ability in the profession. If such a list is submitted, the director shall consider the names on such list and may appoint one or more of the persons so named. The director may appoint any qualified person even if such person is not named on the list submitted by the association"; and in lines 26 and 27 strike "in" through "30" and insert "for inefficiency, neglect of duty, or misconduct in office in the manner provided in section 14 of this act".

16. On page 38, line 7, after "recommend" insert "to the board"; in line 8 after "requirements" insert "which shall include directions on the use of drugs and devices, potential side effects and drug interactions, and criteria for contacting the on-call pharmacist"; in line 9 strike "to the board"; in line 10 strike "the" through "devices" and insert "the requirements of section 18 of this act"; in line 13, strike "Upon" and insert "To protect the health, safety, and welfare of the public, to ensure to the greatest extent possible the accurate, efficient, and safe practice of pharmacy, to ensure that prescription drugs and devices conform to the orders authorizing their dispensing or administration, and to implement sections 1 to 31 of this act, the department, upon"; in lines 13 and 14 strike "the department"; in line 15 strike "30" and insert "31"; in line 23 after the semicolon insert "and"; in line 25 strike the semicolon and insert an underscored period; and strike

beginning with "(7)" in line 26 through line 28.

17. On page 39, strike lines 1 through 4.

18. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1110. Placed on General File as amended.
Standing Committee amendment to LB 1110:
AM3157

1. On page 2, line 7, after "qualified" insert "public health"; and in line 24 strike "medical" and show as stricken.

2. On page 5, line 1, after "terminated" insert ", following a public hearing,"; in line 17 after the period insert "(1)"; in line 19 strike "(1)", show as stricken, and insert "(a)"; strike beginning with "(2)" in line 21 through "(3)" in line 22, show the old matter as stricken, and insert "and (b)"; and after line 24 insert:

"(2) An annual tax to meet and pay the expenses necessary for the establishment and maintenance of a county or city-county health department may be levied and collected (a) by the county board of a county which has a population of thirty thousand inhabitants or more or (b) by the county board of a county which has a population of less than thirty thousand if the county board has put the proposition of having such a tax to the electors of the county and imposition of the tax has been approved by a majority of electors voting on the proposition. The election shall be called, proclaimed, held, conducted, and canvassed in the manner of general or special elections held for the submission of propositions to the voters of a county as provided in sections 23-126 and 23-128.".

3. On page 7, line 3, strike "five", show as stricken, and insert "six"; in line 11 strike "two" and insert "three"; and strike beginning with "No" in line 13 through the period in line 14 and show as stricken.

4. On page 8, lines 13 and 14; and page 9, lines 13 and 14, strike beginning with "No" through the period and show as stricken.

(Signed) Don Wesely, Chairperson

Revenue

LEGISLATIVE BILL 1083. Placed on General File as amended.
Standing Committee amendment to LB 1083:
AM3124

1. On page 2, line 12, after "state" insert "on those charges subject to sales tax".

2. On page 3, line 16, strike "pursuant to section 77-2704.12".

LEGISLATIVE BILL 1113. Placed on General File as amended.
Standing Committee amendment to LB 1113:
AM3125

1. On page 3, line 10, strike "gross" and insert "net"; in line 11 after "village" insert "from a licensed lottery operator"; and strike beginning with the first "or" in line 12 through "operator" in line 13.

LEGISLATIVE BILL 613. Indefinitely postponed.
LEGISLATIVE BILL 866. Indefinitely postponed.
LEGISLATIVE BILL 924. Indefinitely postponed.
LEGISLATIVE BILL 1233. Indefinitely postponed.
LEGISLATIVE BILL 1255. Indefinitely postponed.

LEGISLATIVE RESOLUTION 19CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 276CA. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Print in Journal

The Judiciary Committee asked unanimous consent to print the following amendment to LB 779 in the Journal. No objections. So ordered.

AM3186

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 29-2257, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2257. The Nebraska Probation System is established which shall consist of the probation administrator, chief probation officers, probation officers, and support staff. The system shall be responsible for presentence and other probation investigations and for the direct supervision of persons placed on probation. The system shall be sufficient in size to assure that no probation officer carries a caseload larger than is compatible with adequate probation investigation or supervision. Probation officers shall be compensated with salaries substantially equal to other state employees who have similar responsibilities.

Sec. 2. That original section 29-2257, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

MOTION - Withdraw LB 1092

Mr. Wesely moved to withdraw LB 1092.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 694A. Introduced by Will, 8.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 694, Ninety-third Legislature, Second Session, 1994.

VISITORS

Visitors to the Chamber were members of the Nebraska Pharmacists Association; Donna Rasmussen, Diane Keller, Roger Scott, Curt Friesen, Mike Nelson, Roger Salmon, and Dave Van Pelt from Aurora; Michelle Swet; Bob Ronshaugen from Grand Island; Paul Cain from Burwell; Senator Lynch's son, Dan, Terry Milina, and Linda Burbridge; 82 eleventh and twelfth grade students and sponsor from Westside High School, Omaha; Laura Corrigan and Mike McGuire from Omaha; Heidi Karr; nine juniors, seniors, and teacher from O'Neill Public School; former Senator Richard Peterson; and Robert Franco and Kim Delgado from Scottsbluff.

ADJOURNMENT

At 12:06 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Wednesday, February 16, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-SIXTH DAY - FEBRUARY 16, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 16, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor James Miller, St. Paul Lutheran Church, Auburn, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Byars and Ms. Schimek who were excused; and Messrs. Abboud, Beutler, Cudaback, Hall, Moore, Warner, Wesely, Will, and Mrs. Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

MESSAGE FROM THE GOVERNOR

February 15, 1994

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 421e, 202, 337, 381, 441, 461, 488, 501e, and 760 were received in my office on February 14, 1994.

These bills were signed by me on February 15, 1994, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

ANNOUNCEMENTS

Mrs. Bohlke designates LB 1250 as her priority bill.

The Government, Military and Veterans Affairs Committee designates LB 1236 and LB 944 as its priority bills.

The Nebraska Retirement Systems Committee designates LB 1306 as its priority bill.

Mr. Withem designates LB 1275 as his priority bill.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 1037. Placed on General File as amended.
Standing Committee amendment to LB 1037:
AM3211
1. On page 3, lines 27 and 28, strike "education costs and".

(Signed) Ardyce Bohlke, Chairperson

REPORTS

Received report from the Department of Environmental Quality showing the financial status of Program #523, Small Town Grants Program, in accordance with Section 81-15,153.

Received report from the Department of Environmental Quality showing the financial status of Program #518, Construction Grants Program, in accordance with Section 81-1533.

MESSAGE FROM THE GOVERNOR

February 15, 1994

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

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have received a letter of resignation from Harold Sobotka, a member of the Nebraska Safety Center Advisory Council. Please withdraw his name from consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 298, LR 305, LR 306, LR 307, LR 308, LR 309, LR 310, and LR 311.

SELECT FILE

LEGISLATIVE RESOLUTION 2CA. E & R amendment, AM5647, found in the Journal on page 555, was adopted.

Messrs. Kristensen and Lindsay renewed their pending amendment, AM3049, found in the Journal on page 651.

Mr. Beutler and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lindsay moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Withem asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Kristensen moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Kristensen requested a roll call vote on the Kristensen-Lindsay amendment.

Voting in the affirmative, 16:

Abboud	Bohlke	Fisher	Lindsay	Robak
Avery	Chambers	Hudkins	Monen	Schellpeper
Bernard-Stevens	Day	Kristensen	Moore	Wesely
	Engel			

Voting in the negative, 19:

Ashford	Dierks	Jones	Pirsch	Wehrbein
Bromm	Elmer	Landis	Preister	Wickersham
Coordsen	Haberman	Lynch	Robinson	Witek
Crosby	Janssen	Matzke	Vrtiska	

Present and not voting, 5:

Hartnett	Hillman	Pedersen	Rasmussen	Schmitt

Excused and not voting, 9:

Beutler	Cudaback	McKenzie	Warner	Withem
Byars	Hall	Schimek	Will	

The Kristensen-Lindsay amendment lost with 16 ayes, 19 nays, 5 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:
FA373
Page 1 line 13, after "mediation", insert "and";
line 14, strike "and other forms of dispute resolution

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

Mr. Ashford moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 2 nays, and 29 not voting.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 13:

Abboud	Bernard-	Kristensen	Robak	Wickersham
Ashford	Stevens	Lindsay	Schellpeper	Will
Avery	Chambers	Monen	Schmitt	

Voting in the negative, 21:

Bromm	Coordsen	Crosby	Day	Dierks

Elmer	Janssen	Matzke	Robinson	Wehrbein
Engel	Jones	Pirsch	Vrtiska	Wesely
Fisher	Landis	Rasmussen	Warner	Witek
Hillman				

Present and not voting, 7:

Bohlke	Hartnett	Lynch	Pedersen	Preister
Haberman	Hudkins			

Excused and not voting, 8:

Beutler	Cudaback	McKenzie	Schimek	Withem
Byars	Hall	Moore		

The Chambers amendment lost with 13 ayes, 21 nays, 7 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

MRS. CROSBY PRESIDING

Mr. Ashford asked unanimous consent to be excused. No objections. So ordered.

Mr. Bromm moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Landis moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Landis requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 31:

Beutler	Engel	Landis	Preister	Warner
Bromm	Fisher	Lynch	Rasmussen	Wehrbein
Coordsen	Haberman	Matzke	Robinson	Wesely
Crosby	Hillman	McKenzie	Schellpeper	Wickersham
Day	Janssen	Pedersen	Schmitt	Witek
Dierks	Jones	Pirsch	Vrtiska	Withem
Elmer				

Voting in the negative, 9:

Abboud	Chambers	Kristensen	Monen	Will
Bohlke	Hudkins	Lindsay	Robak	

Present and not voting, 3:

Avery	Bernard-Stevens	Hartnett

Excused and not voting, 6:

Ashford	Cudaback	Hall	Moore	Schimek
Byars				

Advanced to E & R for engrossment with 31 ayes, 9 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

BILL ON FIRST READING

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

LEGISLATIVE BILL 354A. Introduced by Witek, 31.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 354, Ninety-third Legislature, Second Session, 1994.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 988. Placed on Select File as amended.
(E & R amendment, AM5659, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 621. Placed on Select File as amended.
E & R amendment to LB 621:
AM5658

1. On page 1, strike beginning with "eliminate" in line 2 through "penalties" in line 3 and insert "redefine formal action; to change penalty provisions".

(Signed) Janis M. McKenzie, Chairperson

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 1101. Placed on General File as amended.
Standing Committee amendment to LB 1101:
AM3220

1. On page 15, lines 2 and 3, strike "unemployed and".

(Signed) Chris Abboud, Chairperson

Judiciary

LEGISLATIVE BILL 1011. Placed on General File as amended.
Standing Committee amendment to LB 1011:
AM3202

1. Strike original section 1 and insert the following new section:

"Section 1. That section 69-2404, Revised Statutes Supplement, 1992, be amended to read as follows:

69-2404. (1) Any person desiring to purchase, lease, rent, or receive transfer of a handgun shall apply with the chief of police or sheriff of the applicant's place of residence for a certificate. The application may be made in person or by mail. The application form and certificate shall be made on forms approved by the Superintendent of Law Enforcement and Public Safety. The application shall state the applicant's full name, social security number, address, and date of birth. If the application is made in person, the applicant shall also present a current Nebraska motor vehicle operator's license, state identification card, or military identification card~~, or if~~ and a handgun safety training certificate.

(2) The handgun safety training certificate shall be a form approved by the Superintendent of Law Enforcement and Public Safety and shall be issued by the superintendent to any person who demonstrates competence with a firearm by any one of the following chosen by the applicant:

(a) Completion of any hunter education or hunter safety course approved by the Game and Parks Commission or a similar agency of another state;

(b) Completion of any firearm safety or training course or class available to the general public offered by a law enforcement agency, a private or public secondary or postsecondary educational institution, organization, or firearms training school utilizing instructors certified by the National Rifle Association, the Council on Law Enforcement Education and Training, or the Nebraska State Patrol;

(c) Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;

(d) Experience with a firearm through participation in organized shooting competition or military service; or

(e) Completion of any firearms training or safety

course or class conducted by instructors certified by the state or the National Rifle Association.

A legible photocopy of a certificate of completion of the courses or classes, a notarized affidavit from the instructor, agency, institution, organization, or school that conducted or taught the course or class attesting to the completion of the course or class by the applicant, or a copy of any document which shows completion of the course or class or evidences participation of firearms competition shall constitute evidence of qualification under this subsection. A person shall be required to obtain a handgun safety training certificate only once unless he or she has been convicted of a firearm violation. If a certificate holder has been convicted of a firearm violation, the certificate holder shall be required to obtain a new handgun safety training certificate.

(3) If the application is made by mail, the application form shall describe the license or card used for identification and shall be notarized by a notary public who has verified the identification of the applicant through such a license or card and shall include a photocopy of the applicant's handgun safety training certificate.

(4) An applicant shall receive a certificate to purchase, lease, rent, or receive transfer of a handgun if he or she (a) is twenty-one years of age or older, (b) ~~and~~ is not prohibited from purchasing or possessing a handgun by 18 U.S.C. 922, and (c) meets the application requirements of subsections (1) through (3) of this section. A fee of five dollars shall be charged for each application for a certificate to cover the cost of a criminal history record check.".

(Signed) John Lindsay, Chairperson

General Affairs

LEGISLATIVE BILL 1313. Placed on General File.

(Signed) Stan Schellpeper, Chairperson

Business and Labor

LEGISLATIVE BILL 1164. Placed on General File.
LEGISLATIVE BILL 1209. Placed on General File.

(Signed) Chris Abboud, Chairperson

ANNOUNCEMENT

Mr. Monen designates LB 1290 as his priority bill.

UNANIMOUS CONSENT - Print in Journal

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 642 in the Journal. No objections. So ordered.

AM3200

(Amendments to Final Reading copy)

1. On page 6, line 16, strike "two years" and insert "one year".

Mr. Chambers asked unanimous consent to print the following amendment to LR 15CA in the Journal. No objections. So ordered.

FA374

Page 1, line 11, after "member." strike and show as stricken, all new and original language and all amendments, and insert: "A thorough summary of the bill and all amendments thereto shall be printed and a copy thereof provided for the use of each member and read at large before a vote is taken upon final passage of the bill. The bill and all amendments thereto shall be printed before a vote is taken upon its final passage and shall be read at large when directed by one-fourth of all members elected."

Mr. Kristensen asked unanimous consent to print the following amendment to LR 277CA in the Journal. No objections. So ordered.

AM3212

(Amendments to Standing Committee amendment, AM2977)

1. On page 1, lines 7 and 8, strike "Tax Appeals and Equalization Commission" and insert "Tax Equalization and Review Commission".

2. On page 2, lines 2 and 3, strike "Tax Appeals and Equalization Commission" and insert "Tax Equalization and Review Commission".

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 694 in the Journal. No objections. So ordered.

AM3052

(Amendments to E & R amendments, AM5650)

1. On page 19, line 6; page 22, line 4; page 72, line 18; page 75, line 15; page 117, line 23; and page 120, line 20, strike "member,".

2. On page 21, line 19; page 24, line 4; page 75, line 4; and page 77, line 15, strike "agents, or members" and insert "or agents".

3. On page 34, line 9, strike "profits" and insert "receipts".

4. On page 51, line 5, after "the" insert "previous"; in line 6 strike "of the prior year"; and in line 19 strike "fixed expenses" and insert "the purchase, rental, or lease of bingo equipment and the rental or lease of a premises for the conduct of bingo".

5. On page 67, line 18, after the semicolon insert "and"; and strike beginning with the semicolon in line 20 through "act" in line 22.

6. On page 105, line 22, strike "and" and show as stricken and before the period insert ", and allocations for bingo expenses as provided by subsection (5) of this section".

7. On page 106, line 17, after the period insert "When determining the six percent of definite profit that is permitted to pay the allowable expenses of operating a lottery by the sale of pickle cards, the definite profit from the sale of pickle cards at the organization's bingo occasions shall not be included.".

8. On page 107, line 5, after "the" insert "previous"; in line 6 strike "of the prior year"; and in lines 18 and 19 strike "fixed expenses" and insert "the purchase, rental, or lease of bingo equipment and the rental or lease of a premises for the conduct of bingo".

9. On page 120, lines 9 and 10; and page 122, lines 19 and 20, strike ", employees, or members" and insert "or employees".

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 694 in the Journal. No objections. So ordered.

AM3110

(Amendments to E & R amendments, AM5650)

1. Insert the following new section:

"Sec. 109. That section 9-629, Revised Statutes Supplement, 1992, be amended to read as follows:

9-629. (1) Except as provided in section 9-629.02, the gross proceeds of any lottery conducted by a county, city, or village shall be used solely for community betterment purposes, awarding of prizes, taxes, and expenses.

(2) Not less than sixty-five percent of the gross proceeds shall be used for the awarding of prizes, except that for purposes of conducting a lottery authorized by subdivision (1)(c)(ii) of section 9-607, not less than sixty-five percent of the gross proceeds during an annual period from July 1 to June 30 of each year shall be used for the awarding of prizes.

(3) Not more than fourteen percent of the gross proceeds shall be used to pay the expenses of operating the lottery, except that license fees paid to the department and audit or legal expenses incurred by the county, city, or village which relate directly to the conduct of operating such

lottery ~~shall~~ need not be included in determining the fourteen-percent limitation on expenses.

(4) For purposes of this section, audit and legal expenses shall include all expenses relating to: (a) The governmental organization of the lottery; (b) government maintenance, monitoring, and examination of lottery records; and (c) enforcement, regulatory, administrative, investigative, and litigation functions undertaken by government, but shall not include the expenses of the actual conduct of the game. Audit and legal expenses during an annual period from July 1 to June 30 of each year in excess of one percent of gross proceeds or five thousand dollars, whichever is greater, shall be subject to the fourteen percent limitation on expenses under subsection (3) of this section. In the case of a joint lottery conducted pursuant to an interlocal agreement as provided for in section 9-625, the combined gross proceeds of the joint lottery shall be used to determine that portion of audit and legal expenses that are not subject to the fourteen percent limitation on expenses.".

2. On page 159, line 23, after "original" insert "section 9-629, Revised Statutes Supplement, 1992, and".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 694 in the Journal. No objections. So ordered.

AM3146

(Amendments to E & R amendments, AM5650)

1. On page 147, after line 23 insert the following new paragraph:

"To assist the council in carrying out its duties, the State Board of Education shall, in consultation with the council, adopt and promulgate rules and regulations establishing criteria, standards, and procedures regarding the selection and administration of programs funded from the Education Innovation Fund.".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 694 in the Journal. No objections. So ordered.

AM3259

(Amendments to E & R amendments, AM5650)

1. On page 19, line 6; page 22, line 4; page 72, lines 18 and 19; page 75, lines 15 and 16; page 117, line 23; and page 120, lines 20 and 21, strike "or employee" and insert "employee, or limited liability company member".

2. On page 26, line 19; and page 80, line 8, after the period insert "If the documents requested by the

department are in the custody of a limited liability company, the court order may be directed to any member when management is reserved to the members or otherwise to any manager.".

3. On page 79, line 11, after the last comma insert "limited liability companies,".

RESOLUTIONS

LEGISLATIVE RESOLUTION 312. Introduced by Withem, 14; Ashford, 6; Preister, 5; Hall, 7; Lindsay, 9; Lynch, 13; Rasmussen, 20; Will, 8; Pedersen, 39; Pirsch, 10; Hartnett, 45; Abboud, 12; Witek, 31; Monen, 4.

WHEREAS, Dr. Lee Guyton Simmons, Jr., has opened new vistas into the world of animals for the people of Nebraska and the midwest in an enhanced environment at the Henry Doorly Zoo; and

WHEREAS, Dr. Simmons has a distinguished career in veterinary medicine, working with management and reproduction of wild animals in captivity; and

WHEREAS, Dr. Simmons has broad experience in the design of functional zoological exhibits, facilities, and equipment; and

WHEREAS, Dr. Simmons is recognized as one of the nation's outstanding zoo veterinarians; and

WHEREAS, Dr. Simmons has written numerous publications on diseases of animals in captivity; and

WHEREAS, Dr. Simmons has invented and manufactured numerous devices now used by many United States and foreign zoos and field biologists; and

WHEREAS, Dr. Lee Simmons will receive the Wagonmaster Award on February 25, 1994.

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

1. That the Legislature extend congratulations to Dr. Lee Guyton Simmons, Jr., on his receipt of the Wagonmaster Award.

2. That a copy of this resolution be presented to Dr. Simmons.

Laid over.

LEGISLATIVE RESOLUTION 313. Introduced by Withem, 14; Wickersham, 49; Hillman, 48; Matzke, 47.

WHEREAS, Dr. Robert Manley has brought Nebraska history to life for young and old through song and story; and

WHEREAS, Dr. Manley is recognized as an exemplary educator who was named Outstanding Nebraska High School Teacher in 1959 and Students' Professor at the University of Nebraska in 1965; and

WHEREAS, Dr. Manley is the author of the Nebraska history course offered by the University of Nebraska Division of Continuing Studies; and

WHEREAS, Dr. Manley has written many articles and books about Nebraska and the Great Plans and has given over 10,000 talks to audiences in this region; and

WHEREAS, Dr. Manley has been recognized for his contributions in the field of historical tourism in Nebraska; and

WHEREAS, Dr. Manley, now retired, will receive the Pioneer Award on February 25, 1994.

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

1. That the Legislature extend congratulations to Dr. Robert Manley on his receipt of the Pioneer Award.

2. That a copy of this resolution be presented to Dr. Manley.

Laid over.

LEGISLATIVE RESOLUTION 314. Introduced by Withem, 14; Kristensen, 37; Cudaback, 36.

WHEREAS, Peter G. Peterson, a native of Kearney, Nebraska, is a powerful political and financial leader with a distinguished career in our federal government; and

WHEREAS, Mr. Peterson has had a remarkable life in international economic affairs as Chairman of the Council on Foreign Relations and Chairman of the Institute for International Economics; and

WHEREAS, Mr. Peterson has a deep commitment to the social betterment of the world as trustee of the Committee for Economic Development, the Japan Society, and the Museum of Modern Art and as Director of the National Bureau of Economic Research; and

WHEREAS, Mr. Peterson was appointed by German Chancellor Willy Brandt to a commission dealing with the relationship between industrialized and less developed countries of the world; and

WHEREAS, Mr. Peterson will receive the state's highest award, the Distinguished NEBRASKAlander Award on February 26, 1994.

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

1. That the Legislature extend congratulations to Mr. Peter G. Peterson on his receipt of the Distinguished NEBRASKAlander Award.

2. That a copy of this resolution be sent to Mr. Peterson.

Laid over.

LEGISLATIVE RESOLUTION 315. Introduced by Withem, 14; Fisher, 35; McKenzie, 34; Bohlke, 33.

WHEREAS, Virgil R. Eihusen, Grand Island entrepreneur, has demonstrated remarkable ability in the development of an industry which has contributed significantly to the growth of a community; and

WHEREAS, Mr. Eihusens' Chief Industries, an acorn that has become a mighty oak in the past 40 years, now employs over 1,000 persons; and

WHEREAS, Mr. Eihusen has shared his talents in leadership roles locally, statewide, and nationally; and

WHEREAS, Mr. Eihusen has proven to be an industrial giant and astute government advisor; and

WHEREAS, Virgil R. Eihusen will receive the Wagonmaster Award on February 25, 1994.

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

1. That the Legislature extend congratulations to Virgil R. Eihusen on his receipt of the Wagonmaster Award.

2. That a copy of this resolution be presented to Mr. Eihusen.

Laid over.

LEGISLATIVE RESOLUTION 316. Introduced by Withem, 14; Lindsay, 9; Hall, 7; Lynch, 13; Rasmussen, 20; Preister, 5; Ashford, 6; Will, 8; Pedersen, 39; Pirsch, 10; Hartnett, 45; Abboud, 12; Witek, 31; Chambers, 11; Monen, 4.

WHEREAS, R.L. (Bob) Boozer has had a distinctive leadership role in sports, business, and community affairs; and

WHEREAS, Bob Boozer has bad a long career as Director of Legislative and Community Affairs of U.S. West Communications; and

WHEREAS, Bob Boozer is responsible for communications with the Nebraska Congressional Delegation and staff in Washington D.C., as well as local governments and organizations; and

WHEREAS, Bob Boozer is a member of the Governor's Welfare Reform Task Force, and a member of the Board of Directors Renaissance 2000; and

WHEREAS, Bob Boozer has been very active in local minority organizations, the Boys Clubs of Omaha, the University of Nebraska Athletic Marketing Board, the United Negro College Fund Drive, and numerous others; and

WHEREAS, Bob Boozer has had an outstanding basketball career as a member of the 1960 Olympic Gold Medal team, eleven years with the National Basketball Association, including membership on the 1971 Milwaukee Bucks World Championship Team; and

Whereas, Bob Boozer will receive the Trailblazer Award on February 25, 1994.

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

1. That the Legislature extend congratulations to R.L. (Bob) Boozer on his receipt of the Trailblazer Award.
2. That a copy of this resolution be presented to Bob Boozer.

Laid over.

LEGISLATIVE RESOLUTION 317. Introduced by Withem, 14; Schimek, 27; Hudkins, 21; Wesely, 26; Warner, 25; Crosby, 29; Beutler, 28; Landis, 46.

WHEREAS, Alice Dittman has been acclaimed an outstanding Nebraska banker, is President of the Nebraska Bankers Association, and past chairperson of the Nebraska State Chamber of Commerce and the Lincoln Chamber of Commerce; and

WHEREAS, Mrs. Dittman led an exemplary life as a widow and mother of three children while working full-time in the banking business; and

WHEREAS, Mrs. Dittman has consistently supported the ideals of good citizenship as a leader and advocate of community involvement; and

WHEREAS, Mrs. Dittman has been involved in many organizations for the improvement of her fellow citizens and is a strong spokesperson for the State of Nebraska; and

WHEREAS, Alice Dittman will receive the Pioneer Award on February 25, 1994.

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

1. That the Legislature extend congratulations to Alice Dittman on her receipt of the Pioneer Award.
2. That a copy of this resolution be presented to Mrs. Dittman.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on Governor appointments.

Gooch, Michael D. - Commission for the Hearing Impaired -- Health and Human Services

Haun, Janet L. - Commission for the Hearing Impaired -- Health and Human Services

McCowin, Richard D. - Commission for the Hearing Impaired -- Health and Human Services

(Signed) Timothy J. Hall, Chairperson

Legislative Council
Executive Board

STANDING COMMITTEE REPORT
General Affairs

The Committee on General Affairs desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Arts Council
Gail Erwin
Don Hinds
Marilyn Mitchell
Jean Sidwell
Nebraska State Electrical Board
Joseph Pinhero
Emmett Smith

VOTE: Aye: Senators Cudaback, Elmer, Hudkins, Robinson, Schellpeper, and Will. Absent: Senators Haberman and Hartnett.

(Signed) Stan Schellpeper, Chairperson

MOTION - Reconsider Action on LR 15CA

Mr. Hartnett moved to reconsider the vote on Senator Chambers amendment found on page 647 to LR 15CA.

Laid over.

VISITORS

Visitors to the Chamber were Jeff Peterson from North Platte; four students and teacher from Sutherland; Senator Kristensen's mother, Mary Lou, from Minden; members of Leadership Kearney from Kearney; and members of Leadership Tomorrow from Grand Island.

ADJOURNMENT

At 11:52 a.m., on a motion by Mrs. Hudkins, the Legislature adjourned until 9:00 a.m., Thursday, February 17, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-SEVENTH DAY - FEBRUARY 17, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 17, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Mary Ellen True, Lakeview Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Dierks and Landis who were excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Beutler, Coordsen, Hall, Lindsay, Warner, Will, and Mrs. Bohlke who were excused until they arrive.

SPEAKER WITHEM PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-sixth day was approved.

UNANIMOUS CONSENT - Members Excused

Messrs. Haberman and Wehrbein asked unanimous consent to be excused. No objections. So ordered.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 1107. Placed on General File.
LEGISLATIVE BILL 1183. Placed on General File.

LEGISLATIVE BILL 957. Placed on General File as amended.

Standing Committee amendment to LB 957:
AM3206

1. On page 2, strike beginning with "and" in line 11 through "owners" in line 13; and in lines 15 and 16 strike "forty-nine" and insert "thirty-three".

2. On page 3, line 1, strike "who are residents of the State of Nebraska"; and in line 17 strike "may" and insert "shall adopt and".

LEGISLATIVE BILL 974. Placed on General File as amended.
Standing Committee amendment to LB 974:
AM3207

1. On page 2, strike beginning with "Notwithstanding" in line 17 through "terminated" in line 21 and insert "Authorization to sell, exchange, or otherwise dispose of farm products shall not be implied or otherwise result, nor shall a security interest in farm products be considered to be waived, modified, released, or terminated, from any course of conduct, course of performance, or course of dealing between the parties or by any trade usage,".

LEGISLATIVE BILL 1009. Placed on General File as amended.
Standing Committee amendment to LB 1009:
AM3134

1. On page 2, line 3, after the period insert "(1)"; in line 4 strike "civil penalties and"; in line 5 strike "subdivisions (5) and" and insert "subdivision"; and after line 18 insert the following new subdivision:

"(2) All civil penalties collected under subdivision (5) of section 1-148 shall be remitted by the secretary of the board to the State Treasurer for credit to the permanent school fund.".

LEGISLATIVE BILL 1074. Placed on General File as amended.
Standing Committee amendment to LB 1074:
AM3208

1. On page 11, line 2, strike "October 1, 1994" and insert "March 1, 1995".

2. On page 14, line 12, strike "Sections" through "this" and insert "This"; and strike beginning with "The" in line 13 through line 14.

LEGISLATIVE BILL 1118. Placed on General File as amended.
Standing Committee amendment to LB 1118:
AM3135

1. On page 4, line 5, after "invested" insert "in".

2. On page 7, line 28, strike both occurrences of "county" and insert "local hospital district" and after "any" insert "county,".

LEGISLATIVE BILL 1141. Placed on General File as amended.
Standing Committee amendment to LB 1141:
AM3247

1. On page 4, strike beginning with "An" in line 18 through the period in line 20.

LEGISLATIVE BILL 1222. Placed on General File as amended.
Standing Committee amendment to LB 1222:
AM3209

1. Insert the following new section:

"Sec. 55. That section 44-1525, Revised Statutes Supplement, 1993, be amended to read as follows:

44-1525. Any of the following acts or practices, if committed in violation of section 44-1524, shall be unfair trade practices in the business of insurance:

(1) Making, issuing, circulating, or causing to be made, issued, or circulated any estimate, illustration, circular, statement, sales presentation, omission, or comparison which:

(a) Misrepresents the benefits, advantages, conditions, or terms of any policy;

(b) Misrepresents the dividends or share of the surplus to be received on any policy;

(c) Makes any false or misleading statements as to the dividends or share of surplus previously paid on any policy;

(d) Misleads as to or misrepresents the financial condition of any insurer or the legal reserve system upon which any life insurer operates;

(e) Uses any name or title of any policy or class of policies which misrepresents the true nature thereof;

(f) Misrepresents for the purpose of inducing or tending to induce the purchase, lapse, forfeiture, exchange, conversion, or surrender of any policy, including intentionally misquotes any premium rate;

(g) Misrepresents for the purpose of effecting a pledge or assignment of or effecting a loan against any policy; or

(h) Misrepresents any policy as being shares of stock;

(2) Making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio or television station, or in any other way, an advertisement, announcement, or statement containing any assertion, representation, or

statement with respect to the business of insurance or with respect to any insurer in the conduct of his or her insurance business which is untrue, deceptive, or misleading;

(3) Making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting, or encouraging the making, publishing, disseminating, or circulating of any oral or written statement or any pamphlet, circular, article, or literature which is false or maliciously critical of or derogatory to the financial condition of any insurer and which is calculated to injure such insurer;

(4) Entering into any agreement to commit or by any concerted action committing any act of boycott, coercion, or intimidation resulting in or tending to result in unreasonable restraint of or monopoly in the business of insurance;

(5)(a) Knowingly filing with any supervisory or other public official, or knowingly making, publishing, disseminating, circulating, or delivering to any person, or placing before the public, or knowingly causing, directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false material statement of fact as to the financial condition of an insurer; or

(b) Knowingly making any false entry of a material fact in any book, report, or statement of any insurer or knowingly omitting to make a true entry of any material fact pertaining to the business of such insurer in any book, report, or statement of such insurer;

(6) Issuing or delivering or permitting agents, officers, or employees to issue or deliver agency company stock or other capital stock, or benefit certificates or shares in any common-law corporation, or securities or any special or advisory board contracts or other contracts of any kind promising returns and profits as an inducement to insurance;

(7)(a) Making or permitting any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any life insurance policy or annuity or in the dividends or other benefits payable thereon or in any other of the terms and conditions of such policy or annuity;

(b) Making or permitting any unfair discrimination between individuals of the same class involving essentially the same hazards in the amount of premium, policy fees, or rates charged for any sickness and accident insurance policy or in the benefits payable thereunder, in any of the terms or conditions of such policy, or in any other manner, except that this subdivision shall not limit the negotiation of preferred provider policies and contracts under sections 44-4101 to 44-4113;

(c) Making or permitting any unfair discrimination between individuals or risks of the same class and of essentially the same hazards by refusing to issue, refusing to renew, canceling, or limiting the amount of insurance coverage on a property or casualty risk because of the geographic location of the risk unless:

(i) The refusal, cancellation, or limitation is for a business purpose which is not a pretext for unfair discrimination; or

(ii) The refusal, cancellation, or limitation is required by law, rule, or regulation;

(d) Making or permitting any unfair discrimination between individuals or risks of the same class and of essentially the same hazards by refusing to issue, refusing to renew, canceling, or limiting the amount of insurance coverage on a residential property risk, or the personal property contained therein, because of the age of the residential property unless:

(i) The refusal, cancellation, or limitation is for a business purpose which is not a pretext for unfair discrimination; or

(ii) The refusal, cancellation, or limitation is required by law, rule, or regulation;

(e) Refusing to insure, refusing to continue to insure, or limiting the amount of coverage available to an individual solely because of the sex or marital status of the individual. This subdivision shall not prohibit an insurer from taking marital status into account for the purpose of defining individuals eligible for dependent benefits; or

(f) Terminating or modifying coverage or refusing to issue or refusing to renew any property or casualty insurance policy solely because the applicant or insured or any employee of the applicant or insured is mentally or physically impaired unless:

(i) The termination, modification, or refusal is for a business purpose which is not a pretext for unfair discrimination; or

(ii) The termination, modification, or refusal is required by law, rule, or regulation.

This subdivision (f) shall not apply to any sickness and accident insurance policy sold by a casualty insurer and shall not be interpreted to modify any other provision of law relating to the termination, modification, issuance, or renewal of any policy;

(8)(a) Except as otherwise expressly provided by law:

(i) Knowingly permitting or offering to make or making any life insurance policy, annuity, or sickness and accident insurance policy, or agreement as to any such policy

or annuity, other than as plainly expressed in the policy or annuity issued thereon, or paying, allowing, or giving, or offering to pay, allow, or give, directly or indirectly, as inducement to such policy or annuity, any rebate of premiums payable on the policy or annuity, or any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatever not specified in the policy or annuity; or

(ii) Giving, selling, purchasing, or offering to give, sell, or purchase as inducement to such policy or annuity or in connection therewith any stocks, bonds, or other securities of any insurer or other corporation, association, partnership, or limited liability company, or any dividends or profits accrued thereon, or anything of value not specified in the policy or annuity.

(b) Nothing in subdivision (7) or (8)(a) of this section shall be construed as including within the definition of discrimination or rebates any of the following acts or practices:

(i) In the case of any life insurance policy or annuity, paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance if such bonuses or abatement of premiums are fair and equitable to policyholders and for the best interests of the insurer and its policyholders;

(ii) In the case of life insurance policies issued on the industrial debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount which fairly represents the saving in collection expenses; or

(iii) Readjustment of the rate of premium for a group insurance policy based on the loss or expense thereunder, at the end of the first or any subsequent policy year of insurance thereunder, which may be made retroactive only for such policy year;

(9) Failing of any insurer to maintain a complete record of all the complaints received since the date of its last examination conducted pursuant to the Insurers Examination Act. This record shall indicate the total number of complaints, their classification by line of insurance, the nature of each complaint, the disposition of each complaint, and the time it took to process each complaint. For purposes of this subdivision, complaint shall mean any written communication primarily expressing a grievance;

(10) Making false or fraudulent statements or representations on or relative to an application for a policy for the purpose of obtaining a fee, commission, money, or other benefit from any insurer, agent, broker, or individual

person;

(11) Failing of any insurer, upon receipt of a written inquiry from the department, to respond to such inquiry or request additional reasonable time to respond within fifteen working days; and

(12) Violating any provision of section 44-320, 44-348, 44-360, 44-361, 44-369, 44-392, 44-393, 44-515 to 44-518, 44-522, 44-523, 44-1951, 44-1953 to 44-1955, 44-1959, 44-1960, 44-1975, 44-3606, 44-4809, 44-4812, or 44-4817 or section 44 of this act.".

2. On page 8, line 21, strike "or policies".

3. On page 38, line 5, after "practice" insert "in the business of insurance"; and in lines 23 and 26 strike "accident and sickness" and insert "sickness and accident".

4. On page 44, line 16, strike "55, and 58" and insert "56, and 59"; and in line 24 after the second comma insert "and section 44-1525, Revised Statutes Supplement, 1993,".

5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 738. Indefinitely postponed.
LEGISLATIVE BILL 744. Indefinitely postponed.
LEGISLATIVE BILL 1086. Indefinitely postponed.
LEGISLATIVE BILL 1091. Indefinitely postponed.

(Signed) David Landis, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1139. Placed on General File as amended. (Standing Committee amendment, AM3252, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Rex Haberman, Vice Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 938. Placed on Select File.

LEGISLATIVE BILL 977. Placed on Select File as amended.
E & R amendment to LB 977:
AM5661

1. On page 1, line 1, strike "section" and insert "sections"; in line 2 after "77-2706.01" insert "and 77-2724" and after the last comma insert "section 77-2717, Revised Statutes Supplement, 1992,"; in line 4 before "77-2715.02" insert "77-2715,"; in line 5 before "77-2777" insert

"77-2715.07, 77-2716,"; in line 8 after the semicolon insert "to provide for an income tax on estates and trusts;"; in line 9 after the semicolon insert "to provide for a nonrefundable tax credit for estates and trusts as prescribed; to change provisions relating to the taxation of nonresident estates and trusts;" and after "change" insert "protest filing"; and in line 10 after the semicolon insert "to harmonize provisions;".

2. On page 17, line 16, strike the last "the" and show as stricken.

LEGISLATIVE BILL 123. Placed on Select File as amended.
E & R amendment to LB 123:
AM5663

1. In the Standing Committee amendments, AM2808:

a. On page 6, line 23, strike beginning with "regulations" through "by" and insert "rules and regulations of"; and

b. On page 14, line 8, strike the comma.

2. On page 1, strike beginning with "watercraft" in line 1 through the second semicolon in line 7 and insert "motorboats; to amend sections 37-1216 and 37-1226, Reissue Revised Statutes of Nebraska, 1943, section 77-27,147, Revised Statutes Supplement, 1992, and sections 37-1214, 37-1274, 77-2702.07, 77-2702.09, 77-2702.17, and 77-2703, Revised Statutes Supplement, 1993; to provide for titling and registration of motorboats; to provide powers and duties for county clerks and the Department of Motor Vehicles; to provide fees; to provide penalties; to provide for applicability of the Uniform Commercial Code;" and strike lines 10 and 11 and insert "date; and to repeal the original sections.".

LEGISLATIVE BILL 212. Placed on Select File as amended.
E & R amendment to LB 212:
AM5660

1. In the Hillman amendment, AM3153, on page 9, line 15, strike "Prohibiting" and insert "For prohibiting".

2. On page 1, strike beginning with the second "to" in line 1 through line 7 and insert "to authorize adoption of policies and procedures relating to employees by certain counties; to define terms; to provide for classified and unclassified service; to authorize creation of personnel policy boards and appointment of county personnel officers in certain counties; to provide powers and duties; to provide for rules and regulations; to provide for program compliance with federal law; and to provide a penalty.".

LEGISLATIVE BILL 1001A. Placed on Select File.
LEGISLATIVE BILL 1004A. Placed on Select File.
LEGISLATIVE BILL 1005. Placed on Select File.

LEGISLATIVE BILL 892. Placed on Select File.
LEGISLATIVE BILL 899. Placed on Select File.
LEGISLATIVE BILL 1026. Placed on Select File.

LEGISLATIVE BILL 930. Placed on Select File as amended.
E & R amendment to LB 930:
AM5662
1. On page 4, line 7, strike "transfer requests" and insert "requests for transfer".

(Signed) Janis M. McKenzie, Chairperson

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

The Committee on Banking, Commerce and Insurance desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Merle Anderson - NE Investment Council
Maxine Moul - Director, NE Department of Economic Development

VOTE: Aye: Senators Landis, Hall, Jones, Lindsay, Robak, and Wesely. Pass: Senator Witek. Absent: Senator Coordsen.

(Signed) David Landis, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 16, 1994. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Boucher, Richard L. - Lincoln	Southeast Community College Faculty Association
Cederberg, John E. - Lincoln	Marks & Clare (Withdrawn 01/31/94) Omaha Box Company (Withdrawn 01/31/94)
Chizek, Jerry - Omaha	Nebraska First Inc. (Withdrawn 12/31/94)
Cline, Williams, Wright, Johnson & Mary M. Campbell - Lincoln	Oldfather Kimberly-Clark (Withdrawn 02/09/94)
Moors, H. Jack - Lincoln	Friends of Faculty Senate (Withdrawn 01/31/94)

Nielsen, Kathy - Lincoln	Families Achieving Independence & Respect
Patterson, Michell Miller - Lincoln	Common Cause of Nebraska
Rose, Melanie S. - Omaha	Kelley and Lehan, P.C.
Steinheider & Associates	
Steinheider, Barbara - Lincoln	American Corn Growers
	Nebraska Farmers Union
	Nebraska State Grange
	Nebraska Sugar Beet Growers Association
	Nebraska Wheat Growers Association
	Nebraskans for Peace
Vickers, Tom - Lincoln	Nebraska Nurses' Association

MOTION - Withdraw LB 1092

Mr. Wesely renewed his pending motion, found in the Journal on page 474, to withdraw LB 1092.

The Wesely motion prevailed with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 693. E & R amendment, AM5611, found in the Journal on page 411, was adopted.

Ms. Schimek renewed her pending amendment, FA326, found in the Journal on page 493.

Ms. Schimek withdrew her amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 779. Mr. Kristensen withdrew his pending amendment, AM1632, printed separately from the Journal and referred to on page 1672, First Session, 1993.

Mrs. Hudkins withdrew her pending amendments, AM1512 and AM1511, found in the Journal on pages 1692 and 1693, First Session, 1993.

Mr. Landis withdrew his pending amendment, AM1857, printed separately from the Journal and referred to on page 1941, First Session, 1993.

Mr. Lindsay withdrew his pending amendment, AM2170, found in the Journal on page 2248, First Session, 1993.

Mr. Chambers renewed the Judiciary Committee pending amendment, AM3186, found in the Journal on page 747.

Mr. Beutler requested a record vote on the Judiciary Committee amendment.

Voting in the affirmative, 27:

Avery	Crosby	Jones	Pirsch	Schimek
Beutler	Cudaback	Lynch	Preister	Vrtiska
Bohlke	Day	Matzke	Rasmussen	Wickersham
Bromm	Elmer	Monen	Robak	Witek
Byars	Hudkins	Pedersen	Schellpeper	Withem
Chambers	Janssen			

Voting in the negative, 0.

Present and not voting, 10:

Engel	Hartnett	Kristensen	Moore	Schmitt
Fisher	Hillman	McKenzie	Robinson	Wesely

Excused and not voting, 12:

Abboud	Bernard-	Dierks	Landis	Wehrbein
Ashford	Stevens	Haberman	Lindsay	Will
	Coordsen	Hall	Warner	

The Judiciary Committee amendment was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 100. Considered.

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Mr. Preister moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

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

Mr. Bernard-Stevens requested a machine vote on the advancement of the bill.

Mr. Beutler requested a record vote on the advancement of the bill.

Voting in the affirmative, 12:

Avery	Byars	Lindsay	Preister	Schimek
Beutler	Crosby	Monen	Rasmussen	Withem
Bohlke	Hartnett			

Voting in the negative, 18:

Bernard-Stevens	Day	Kristensen	Robak	Vrtiska
Coordsen	Engel	McKenzie	Robinson	Wickersham
Cudaback	Hillman	Pedersen	Schellpeper	Witek
	Janssen	Pirsch	Schmitt	

Present and not voting, 8:

Chambers	Fisher	Jones	Moore	Wesely
Elmer	Hall	Matzke		

Excused and not voting, 11:

Abboud	Dierks	Hudkins	Lynch	Wehrbein
Ashford	Haberman	Landis	Warner	Will
Bromm				

Failed to advance to E & R for engrossment with 12 ayes, 18 nays, 8 present and not voting, and 11 excused and not voting.

Having failed to advance for the second time, LB 100 stands indefinitely postponed.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 982. Placed on General File.
LEGISLATIVE BILL 1040. Placed on General File.

LEGISLATIVE BILL 864. Placed on General File as amended.
Standing Committee amendment to LB 864:
AM3216

1. Strike original section 8.

2. On page 8, line 21, after "equipment" insert "with a gross laden weight of forty-eight thousand pounds or less".

3. On page 14, line 3, after the period insert

"When operated upon any highway, an agricultural floater-spreader implement shall not be operated at a speed in excess of thirty miles per hour.".

4. On page 15, line 6, after the third comma insert "and"; and in line 7 strike "and 60-6,303,".

5. Renumber the remaining section accordingly.

LEGISLATIVE BILL 1044. Placed on General File as amended.
Standing Committee amendment to LB 1044:
AM3236

1. On page 2, strike beginning with "in" in line 15 through "purpose" in line 19 and insert "by an additional amount not to exceed fifty cents per month. Any additional increase"; and in line 28 strike ", and when the increase is for the purpose of" and insert "; and".

2. On page 3, strike lines 1 through 5 and insert the following new paragraph:

"(b) A public hearing is held pursuant to such notices."

LEGISLATIVE BILL 1317. Placed on General File as amended.
Standing Committee amendment to LB 1317:
AM3237

1. On page 3, line 8, after "(5)" insert "This section shall not apply to motor vehicles which are within the specifications established by the original motor vehicle manufacturer.

(6)".

LEGISLATIVE BILL 869. Indefinitely postponed.
LEGISLATIVE BILL 870. Indefinitely postponed.
LEGISLATIVE BILL 873. Indefinitely postponed.
LEGISLATIVE BILL 926. Indefinitely postponed.
LEGISLATIVE BILL 1032. Indefinitely postponed.
LEGISLATIVE BILL 1259. Indefinitely postponed.

(Signed) Doug Kristensen, Chairperson

Judiciary

LEGISLATIVE BILL 1173. Indefinitely postponed.
LEGISLATIVE BILL 1307. Indefinitely postponed.

LEGISLATIVE RESOLUTION 296CA. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 868. Placed on Select File.

LEGISLATIVE BILL 1017. Placed on Select File as amended.
E & R amendment to LB 1017:
AM5664

1. On page 1, line 2, strike "1993" and insert "1992"; and in line 3 strike "provisions" and insert "provision".

2. On page 2, lines 2 and 18, strike "1993" and insert "1992".

LEGISLATIVE BILL 941. Placed on Select File as amended.
E & R amendment to LB 941:
AM5665

1. On page 2, strike lines 21 and 22 and all amendments thereto and insert:

"(10) Devices which are designed to increase energy efficiency, the utilization of renewable resources, or both; and".

LEGISLATIVE BILL 889. Placed on Select File.

(Signed) Janis M. McKenzie, Chairperson

MESSAGE FROM THE GOVERNOR

February 16, 1994

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

Dear Madam President and Senators:

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

APPOINTEE: Harry Richardson

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

ANNOUNCEMENTS

Mr. Pedersen designates LB 1002 as his priority bill.

Ms. Day designates LB 1207 as her priority bill.

SELECT FILE

LEGISLATIVE BILL 460. Mrs. Crosby renewed her pending amendment, AM2637, found in the Journal on page 412.

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

MR. HALL PRESIDING

The Crosby amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 663. E & R amendment, AM5610, found in the Journal on page 411, was adopted.

Mr. Hall asked unanimous consent to pass over LB 663. No objections. So ordered.

LEGISLATIVE BILL 600. E & R amendment, AM5614, printed separately from the Journal and referred to on page 440, was adopted.

Mr. Chambers moved to indefinitely postpone.

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

SPEAKER WITHEM PRESIDING

Mr. Chambers withdrew his motion to indefinitely postpone.

Mrs. Witek renewed her pending amendment, AM3040, found in the Journal on page 648.

Mr. Elmer requested a ruling of the Chair on whether the Witek amendment is germane to the bill.

The Chair ruled the Witek amendment is not germane to the bill.

Mrs. Witek challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

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

Mrs. Witek moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mrs. Witek requested a roll call vote on her motion to overrule the Chair.

Voting in the affirmative, 6:

Abboud	Chambers	Crosby	Pirsch	Witek
Ashford				

Voting in the negative, 33:

Bernard-Stevens	Elmer	Janssen	Pedersen	Schmitt
	Engel	Kristensen	Preister	Vrtiska
Bohlke	Fisher	Lindsay	Rasmussen	Warner
Byars	Hall	Matzke	Robak	Wesely
Coordsen	Hartnett	McKenzie	Robinson	Wickersham
Cudaback	Hillman	Monen	Schellpeper	Will
Day	Hudkins	Moore	Schimek	

Present and not voting, 2:

Avery	Withem

Excused and not voting, 8:

Beutler	Dierks	Jones	Lynch	Wehrbein
Bromm	Haberman	Landis		

The Witek motion to overrule the Chair lost with 6 ayes, 33 nays, 2 present and not voting, and 8 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Mrs. Witek withdrew her pending amendment, AM3041, found in the Journal on page 650.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Witek moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM3040 to LB 600.

Mrs. Witek withdrew her motion to suspend the rules.

Mr. Bernard-Stevens moved to indefinitely postpone LB 600.

Laid over.

LEGISLATIVE BILL 291. E & R amendment, AM5615, found in the Journal on page 440, was adopted.

Mr. Bernard-Stevens renewed his pending amendment, AM2857, found in the Journal on page 505.

The Bernard-Stevens amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Bernard-Stevens renewed his pending amendment, AM2900, found in the Journal on page 627.

The Bernard-Stevens amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 291A. E & R amendment, AM5617, found in the Journal on page 443, was adopted.

Mrs. Robak offered the following amendment:
AM2843
1. On page 2, strike line 2 and insert "the General Fund for FY1994-95 and (2) $6,533 from the General Fund for FY1995-96".

The Robak amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 660. Ms. Schimek moved to indefinitely postpone LB 660.

Laid over.

LEGISLATIVE BILL 414. E & R amendment, AM5631, printed separately from the Journal and referred to on page 522, was adopted.

Mr. Bernard-Stevens withdrew his pending amendment, AM3042, printed separately from the Journal and referred to on page 651.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 594. Advanced to E & R for engrossment.

LEGISLATIVE BILL 379. E & R amendment, AM5627, found in the Journal on page 522, was adopted.

Mr. Abboud renewed his pending amendment, AM2763, found in the Journal on page 380.

The Abboud amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

ANNOUNCEMENTS

Mrs. McKenzie designates LB 1223 as her priority bill.

Mr. Engel designates LB 902 as his priority bill.

Mr. Wickersham designates LB 446 as his priority bill.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 683 in the Journal. No objections. So ordered.

(Amendment, AM3181, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 61. Indefinitely postponed.
LEGISLATIVE BILL 285. Indefinitely postponed.
LEGISLATIVE BILL 753. Indefinitely postponed.
LEGISLATIVE BILL 771. Indefinitely postponed.

(Signed) Chris Abboud, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 600 in the Journal. No objections. So ordered.

FA375

Strike the original sections and all amendments thereto and insert the provisions of LB 651.

RESOLUTION

LEGISLATIVE RESOLUTION 318. Introduced by Jones, 43.

WHEREAS, Callaway, Nebraska has been the home of the annual Kite Flight on Labor Day Weekend since 1991; and

WHEREAS, in 1991 thirty-five families registered to fly kites, and in 1993 the number of families registered to fly flew to one hundred twenty-five; and

WHEREAS, the Kite Flight-94 will be held on Labor Day Weekend, September 3, 4, and 5, in Callaway.

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

1. That, in recognition of the success of this family event, the Legislature recognizes Callaway, Nebraska as the Kite Fly Capital of Nebraska.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Messrs. Pedersen and Chambers asked unanimous consent to print the following amendment to LB 988 in the Journal. No objections. So ordered.

AM3254

(Amendments to E & R amendment, AM5659)

1. On page 14, line 5, after "centers" insert "and any secure confinement facility for juvenile offenders"; and in line 25 strike the semicolon and insert ". Structured programming shall be scheduled for all juveniles committed to secure confinement. This programming shall include a strong academic program as well as classes in health education, living skills, vocational training, behavior management and modification, money management, family and parent responsibilities, substance abuse awareness, physical education, job skills training, and job placement assistance. Participation shall be required of all juveniles committed to a secure confinement facility. The goal of such structured programming shall be to provide the academic and life skills necessary for a juvenile to successfully return to his or her home and community upon release from the secure confinement facility;".

Mr. Wesely asked unanimous consent to print the following amendment to LB 817 in the Journal. No objections. So ordered.

(Amendment, AM3266, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

UNANIMOUS CONSENT - Add Cointroducer

Mr. Lindsay asked unanimous consent to have his name added as cointroducer to LB 1003. No objections. So ordered.

VISITORS

Visitors to the Chamber were Brandon Powers from North Platte; Stephanie Weldon from Axtell; Peggy Sieck; Amy Craig; a group of Girl Scouts; and former Senator Tom Fitzgerald.

MOTION - Adjournment

Mr. Kristensen moved to adjourn. The motion prevailed with 17 ayes, 8 nays, 17 present and not voting, and 7 excused and not voting, and at 11:59 a.m., the Legislature adjourned until 9:00 a.m., Tuesday, February 22, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-EIGHTH DAY - FEBRUARY 22, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 22, 1994

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Brian Moulton, Country Bible Church.

ROLL CALL

The roll was called and all members were present except Mr. Engel who was excused; and Messrs. Ashford, Beutler, Bromm, Byars, Haberman, Hall, Hartnett, Kristensen, Lindsay, Moore, Wesely, Wickersham, Will, Mmes. Crosby, Hudkins, Pirsch, Mses. Day, and Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-seventh day was approved.

ANNOUNCEMENTS

Mr. Chambers designates LB 1066 as his priority bill.

Mrs. Rasmussen designates LB 1224 as her priority bill.

Mr. Wesely designates LB 1222 as his priority bill.

Mrs. Hudkins designates LB 907 as her priority bill.

The Business and Labor Committee designates LB 911 as its priority bill.

Mr. Elmer designates LB 1160 as his priority bill.

MESSAGE FROM THE GOVERNOR

February 18, 1994

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

Dear Madam President, Speaker Withem, and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Nebraska Advisory Commission on Compulsive Gambling, requiring legislative approval.

APPOINTEES:
Lynn P. Guilfoyle
Rev. William M. Williams, Jr.
Tom D. Schaefer
Janet French
Michael Wellman
Dr. John Shybut
Deb Hammond
Barbara Hill
Dick Stalker
Vernon L. Scott
Frank McGill

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

SPEAKER'S ANNOUNCEMENT

As we approach the half-way point of the session, I thought it appropriate to apprise you and ask for your assistance in scheduling for the latter half of the session. Specifically, I would ask for your assistance in discouraging and minimizing the number of social activities planned for the last half of March and first two weeks of April.

As we get later into session, I will be providing you with a schedule of late night sessions, but certainly they could start as early as the week of March 22.

(Signed) Ron Withem, Speaker

PRESIDENT ROBAK PRESIDING

MOTION - Approve Appointments

Mr. Landis moved the adoption of the report of the Banking, Commerce and Insurance Committee for the following Governor appointments found in the Journal on page 773: Merle Anderson - NE Investment Council and Maxine Moul - Director, NE Department of Economic Development.

Voting in the affirmative, 25:

Abboud	Dierks	Landis	Pedersen	Vrtiska
Avery	Elmer	Lynch	Preister	Warner
Bernard-Stevens	Fisher	Matzke	Robinson	Wehrbein
Chambers	Hillman	McKenzie	Schellpeper	Witek
Coordsen	Jones	Monen	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 5:

Bohlke	Cudaback	Janssen	Rasmussen	Robak

Excused and not voting, 19:

Ashford	Crosby	Hall	Lindsay	Wesely
Beutler	Day	Hartnett	Moore	Wickersham
Bromm	Engel	Hudkins	Pirsch	Will
Byars	Haberman	Kristensen	Schimek	

These appointments were confirmed with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 312. Read. Considered.

LEGISLATIVE RESOLUTION 313. Read. Considered.

LEGISLATIVE RESOLUTION 314. Read. Considered.

LEGISLATIVE RESOLUTION 315. Read. Considered.

LEGISLATIVE RESOLUTION 316. Read. Considered.

LEGISLATIVE RESOLUTION 317. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 312, 313, 314, 315, 316, and 317 were adopted with 20 ayes, 0 nays, and 29 not voting.

GENERAL FILE

LEGISLATIVE BILL 694A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 436A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 665. Title read. Considered.

Messrs. Lynch and Lindsay renewed their pending amendment, AM2690, found in the Journal on page 280.

The Lynch-Lindsay amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

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

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 683. Title read. Considered.

Standing Committee amendment, AM1082, found in the Journal on page 1406, First Session, 1993, lost with 1 aye, 14 nays, 28 present and not voting, and 6 excused and not voting.

Mr. Warner renewed his pending amendment, AM3181, printed separately from the Journal and referred to on page 782.

Mr. Warner offered the following amendment to his pending amendment:
AM3296

(Amendments to AM3181)

1. Insert the following new sections:

"Sec. 11. That section 85-1405, Revised Statutes Supplement, 1992, be amended to read as follows:

85-1405. The commission shall consist of eleven members who shall be appointed by the Governor with the approval of a majority of the Legislature. One member shall

be chosen from each of the six Supreme Court judicial districts. Five members shall be chosen on a statewide basis. The term of each member shall be six years or until a successor is qualified and takes office, except that of the members initially appointed, two statewide members and the members appointed from districts 1 and 2 shall serve for terms of two years and two statewide members and the members appointed from districts 3 and 4 shall serve for terms of four years. Members shall be residents of the state or district from which appointed, and no member or any member of his or her immediate family shall be employed by or be a member of a governing board or of a governing body of an independent or private university or college. ~~The initial appointments to the commission shall be made not later than January 1, 1992.~~

Sec. 12. That section 85-1409, Revised Statutes Supplement, 1992, be amended to read as follows:

85-1409. (1) The members of the commission shall annually elect a chairperson and vice-chairperson from among their members. ~~, except that the Governor shall designate the chairperson until the commission first convenes and names a successor.~~

(2) The commission shall hold regular meetings at times specified in its rules and regulations. Special or additional meetings may be held on the call of the chairperson or upon the call of at least three members. A majority of the members shall constitute a quorum at all meetings. Commission action on any item shall require a majority of those present at meetings in which there is a quorum, except that adoption of the comprehensive statewide plan, or any changes or alternatives thereto, required by section 85-1413 and approval of a new program or disapproval of an existing program pursuant to section 85-1414 shall require the concurrence of a majority of the members.

Sec. 19. That section 85-1419, Revised Statutes Supplement, 1992, be amended to read as follows:

85-1419. There is hereby created the Coordinating Commission for Postsecondary Education Cash Fund. The fund shall contain money received from application fees from out-of-state institutions of higher and postsecondary education seeking authorization to offer courses and programs in the State of Nebraska and from private colleges seeking provisional accreditation and money received by the commission for services rendered incident to the administration of its statutory or contractual functions. The fund shall be expended for the administrative costs of reviewing applications, publishing and duplicating reports, coordinating studies, conducting conferences, and other related activities as may be authorized by the Legislature or by contract. All such money received by the commission shall be remitted to the

State Treasurer for credit to the fund. A report on the receipts and expenditures from the fund shall be included as a part of the operating budget request submitted to the Legislature and the Governor. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276. ~~Any money in the Nebraska Coordinating Commission for Postsecondary Education Cash Fund and the Nebraska Coordinating Commission for Postsecondary Education Administrative Cash Fund on January 1, 1992, shall be transferred to the Coordinating Commission for Postsecondary Education Cash Fund on such date.~~

Sec. 20. That section 85-1420, Revised Statutes Supplement, 1992, be amended to read as follows:

85-1420. There is hereby created the Coordinating Commission for Postsecondary Education Trust Fund. The fund shall serve as a revolving fund to receive grants from foundations and institutions for specific studies which are a part of the powers and duties of the commission. The grant money shall be used only for purposes specified in the grant. A report of the findings of any studies done pursuant to the grants shall be included as a part of the operating budget request submitted to the Legislature and the Governor. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276. ~~Any money in the Nebraska Coordinating Commission for Postsecondary Education Trust Fund on January 1, 1992, shall be transferred to the Coordinating Commission for Postsecondary Education Trust Fund on such date.~~".

2. On page 13, strike beginning with "if" in line 15 through the period in line 16, show as stricken, and insert an underscored period; in line 20 strike "and", show as stricken, and insert an underscored comma and before the semicolon insert ", and the Postsecondary Education Award Program Act".

3. On page 14, strike beginning with the period in line 10 through line 17, show as stricken, and insert an underscored semicolon.

4. On page 28, line 17, strike "submittal" and insert "submission".

5. On page 33, line 4, after the last comma insert "85-1405, 85-1409,"; and in line 5 strike "and" and after the second comma insert "85-1419, and 85-1420,".

6. Renumber the remaining sections and correct internal references accordingly.

The Warner amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

The Warner amendment, AM3181, as amended, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mrs. Bohlke and Mr. Warner offered the following amendment:
AM3273

1. Insert the following new sections:

"Sec. 7. That section 85-1002, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-1002. ~~As used in~~ For purposes of sections 85-1001 to ~~85-1013~~ 85-1008, unless the context otherwise requires:

(1) Center shall mean the Nebraska Safety Center created under section 85-1003; and

(2) Council shall mean the Nebraska Safety Center Advisory Council which may be created under section 85-1008.

Sec. 8. That section 85-1005, Revised Statutes Supplement, 1992, be amended to read as follows:

85-1005. (1) The Board of Regents of the University of Nebraska may accept and administer, in accordance with proper financial procedures at the University of Nebraska at Kearney, gifts, grants, tuition, and private funds to assist in the operation of the center.

(2) The ~~Legislature shall appropriate~~ Board of Regents of the University of Nebraska shall request an appropriation of such money from the General Fund as may be necessary to permit the center to operate efficiently and to promote the purposes of sections 85-1001 to ~~85-1013~~ 85-1008.

Sec. 9. That section 85-1008, Revised Statutes Supplement, 1992, be amended to read as follows:

85-1008. (1) To assist the center in carrying out its purposes and functions, ~~there is hereby created the~~ the Board of Regents may establish a Nebraska Safety Center Advisory Council composed of the following members: ~~appointed by the Governor with the consent of the Legislature:~~

(a) One representative from the Department of Roads;

(b) One representative from the Department of Motor Vehicles;

(c) One representative from the State Department of Education;

(d) One representative from the Game and Parks Commission;

(e) One representative from the Department of Labor;

(f) One person representing the community college areas;

(g) One person representing private business and industry;

(h) One person representing the University of Nebraska;

(i) One person representing the medical profession;

(j) One person representing the area of law enforcement in this state;

(k) One person representing the Safety Council of Nebraska, Inc.;

(l) One person representing the area of transportation;

(m) One person representative of emergency medical services;

(n) One person representing the judiciary in the State of Nebraska;

(o) One person representing city government;

(p) One person representing county government;

(q) One person representing the area of agriculture;

(r) One person representing the local public school system;

(s) One representative of the Coordinating Commission for Postsecondary Education;

(t) One person representing the Red Cross; and

(u) One person representing the state colleges.

(2) Representatives selected to serve on the council shall have appropriate education, training, and experience in the field of industrial safety, recreational safety, domestic safety, or traffic safety.".

2. On page 19, line 17, after "original" insert "section 85-1002, Reissue Revised Statutes of Nebraska, 1943, and"; in line 19 before "85-1402" insert "85-1005, 85-1008,"; and in line 20 after "also" insert "sections 85-1009 to 85-1013, Reissue Revised Statutes of Nebraska, 1943, and".

3. Renumber the remaining sections accordingly.

The Bohlke-Warner amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 1300. Placed on General File.

LEGISLATIVE BILL 1002. Placed on General File as amended.
Standing Committee amendment to LB 1002:
AM3224

1. Strike the original sections and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Water Service Regulation Act.

Sec. 2. For purposes of the Water Service

Regulation Act:

(1) Commission shall mean the Public Service Commission; and

(2) Private water company shall mean a privately owned entity organized under the laws of this state for the purpose of furnishing water or sewer services or both to the public, cities, villages, special districts, or other political subdivisions but shall not include (a) any entity that furnishes water or sewer services to a mobile home park or (b) bottled water suppliers.

Sec. 3. The rates, charges, and services of a private water company shall be regulated by the commission as provided in the Water Service Regulation Act.

Sec. 4. The commission and its agents shall be entitled to access to all books, records, and other information of a private water company which may be necessary for the commission to determine whether it may exercise regulatory authority under the Water Service Regulatory Act and to carry out its regulatory authority under the act.

Sec. 5. Within ninety days after the operative date of this section, a petition may be filed with the commission requesting a review of the established rates and charges. The petition shall be signed by at least twenty-five percent of the private water company's customers. Upon receipt of a petition, the commission shall set a time, place, and date for a public hearing to consider the established rates or charges. The hearing shall be held within ninety days after the filing of the petition pursuant to the rules and regulations of the commission. Notice of a hearing shall be given in the same manner as prescribed in subsection (2) of section 7 to this act.

Sec. 6. A private water company which proposes to change any of its rates or charges shall provide sixty days' notice to its customers of the proposed rates or charges.

Sec. 7. (1) Prior to the effective date of the proposed rates or charges, a petition may be filed with the commission requesting a review of the proposed rates and charges. The petition shall be signed by at least twenty-five percent of the private water company's customers. Upon receipt of a petition, the commission shall set a time, place, and date for a public hearing to consider the proposed rates or charges. The hearing shall be held within ninety days after the filing of the petition pursuant to the rules and regulations of the commission.

(2) Notice of a hearing shall be served on customers by the commission at least fifteen days prior to the day of the hearing. Notice of the hearing shall also be published by the commission at least once a week for two successive weeks in a newspaper of general circulation in each service area

affected by or to be affected by the proposed rates or charges with the date of last publication at least ten days prior to the hearing.

(3) At least ten days prior to the hearing, the commission shall make all files and information gathered by it and its employees and agents relating to the matter to be heard available for inspection during regular office hours.

(4) Any person may appear at the hearing and present testimony, evidence, exhibits, or other information and may do so in person, by counsel, or both pursuant to the rules and regulations of the commission.

Sec. 8. (1) After the conclusion of any hearing held pursuant to section 5 or 7 of this act, the commission shall grant or deny the rates or charges that were considered at the hearing and, if other rates or charges are to be adopted, shall decide on any modifications to the rates or charges that the commission considers necessary based on the evidence adduced at the hearing.

(2) The commission shall issue a written order setting out its findings and reasoning for its decision. The commission's order may be appealed according to section 75-137.

(3) If the hearing is held pursuant to a petition filed pursuant to section 7 of this act, if the proposed rates or charges become effective before the decision of the commission, and if the decision denies the proposed rates or charges, then the proposed rates or charges shall be denied retroactively and any amounts collected under the proposed rates or charges shall be refunded by the private water company. If the hearing is held pursuant to a petition filed pursuant to section 5 of this act and if the decision of the commission modifies the established rates or charges, then the established rates or charges shall be modified as of the date of the decision and shall not be retroactive.

Sec. 9. (1) No rate or charge determined by the commission pursuant to the Water Service Regulation Act may yield more than a fair return on the fair value of property used and useful in rendering service to the public.

(2) The commission shall not include in the basis for establishment of the rate or charge any amounts spent by the private water company for advertising or other public relations expenses.

Sec. 10. The commission may adopt and promulgate rules and regulations necessary to carry out the Water Service Regulation Act.

Sec. 11. Any private water company that violates any provision of the Water Service Regulation Act or any rule, regulation, or order of the commission shall be subject to a civil penalty of not less than fifty dollars nor more than one

thousand dollars for each act of violation and for each day of violation to be recovered as provided in section 12 of this act.

Sec. 12. (1) Whenever it appears that a private water company has violated, is violating, or is threatening to violate any provision of the Water Service Regulation Act or any rule, regulation, or order of the commission, the commission may institute a civil suit in the district court of Lancaster County for (a) injunctive relief to restrain the private water company from continuing the violation or threat of violation or (b) the assessment and recovery of a civil penalty as provided in section 11 of this act, or (c) for both injunctive relief and civil penalty.

(2) On application for injunctive relief and a finding that a private water company is violating or threatening to violate any provisions of the act or any rule, regulation, or order of the commission, the district court shall grant the injunctive relief as the facts may warrant.

(3) At the request of the commission, the county attorney shall institute and pursue a suit in the name of the state for injunctive relief or to recover the civil penalty, or both, as authorized in subsection (1) of this section.

Sec. 13. Sections 10, 13, and 14 of this act shall become operative on their effective date. The other sections of this act shall become operative on July 1, 1994.

Sec. 14. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 1030. Placed on General File as amended. (Standing Committee amendment, AM3295, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 1267. Placed on General File as amended.
Standing Committee amendment to LB 1267:
AM3140

1. On page 4, lines 18 and 19, strike the new matter and reinstate the stricken matter; in line 20 reinstate "and (b)"; and in line 21 reinstate the period and before the reinstated period insert "provides water to substantially the same land as was serviced by the abandoned water well being replaced".

(Signed) Chris Beutler, Chairperson

Judiciary

LEGISLATIVE BILL 912. Placed on General File as amended.

Standing Committee amendment to LB 912:
AM3287

1. Strike the original sections and insert the following new sections:

"Section 1. That section 29-116, Revised Statutes Supplement, 1992, be amended to read as follows:

29-116. In addition to any other rights of appeal, the state shall have the right to appeal from an order granting a motion for the suppression of statements alleged to be involuntary or in violation of the fifth or sixth amendments of the Constitution of the United States in the manner provided in this section. When such motion has been granted in the district court, the Attorney General or the county attorney or prosecuting officer with the consent of the Attorney General may file his or her application with the Clerk of the Supreme Court asking for a summary review of the order granting the motion. The review shall be made by a judge of the Court of Appeals at chambers upon such notice, briefs, and argument as the judge directs, after which such judge shall enter his or her order affirming, reversing, or modifying the order submitted for review. Upon the order of the judge of the Court of Appeals, either party may file a petition for further review by a single judge of the Supreme Court. Upon the filing of a petition for further review by the state, the defendant shall be released on his or her personal recognizance subject to any conditions the district court may deem appropriate. Upon ~~, and upon~~ any trial on the general issue thereafter, the parties and the trial court shall be bound by such order. Upon conviction after trial the defendant may on appeal challenge the correctness of the order by the judge.

Sec. 2. That section 29-824, Revised Statutes Supplement, 1992, be amended to read as follows:

29-824. In addition to any other right to appeal, the state shall have the right to appeal from an order granting a motion for the return of seized property and to suppress evidence in the manner provided in sections 29-824 to 29-826. If such motion has been granted in district court, the Attorney General or the county attorney or prosecuting officer with the consent of the Attorney General may file his or her application with the Clerk of the Supreme Court asking for a summary review of the order granting the motion. The review shall be made by a judge of the Court of Appeals at chambers upon such notice, briefs, and argument as the judge directs, after which such judge shall enter his or her order affirming, reversing, or modifying the order submitted for review. Upon the order of the judge of the Court of Appeals, either party may file a petition for further review by a single judge of the Supreme Court. Upon the filing of a

petition for further review by the state, the defendant shall be released on his or her personal recognizance subject to any conditions the district court may deem appropriate. Upon ~~and upon~~ any trial on the general issue thereafter, the parties and the trial court shall be bound by such order. Upon conviction after trial the defendant may on appeal challenge the correctness of the order by the judge.

Sec. 3. That original sections 29-116 and 29-824, Revised Statutes Supplement, 1992, are repealed.".

LEGISLATIVE BILL 952. Placed on General File as amended.
Standing Committee amendment to LB 952:
AM3288

1. On page 2, line 3, after the stricken "eighteen" insert "fourteen" and reinstate the stricken "years of age or over".

(Signed) John Lindsay, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 28.

Enrollment and Review Change to LB 28

The following changes, required to be reported for publication in the Journal, have been made:
ER7409

1. In the Bernard-Stevens amendment, AM2877, on page 2, line 9, paragraphing has been inserted after the period.

2. On page 1, the matter beginning with "the" in line 1 through line 8 and all amendments thereto have been struck and "carrier enforcement officers; to amend section 60-1306, Revised Statutes Supplement, 1992; to change arrest powers; to provide for funding to arm officers; and to repeal the original section." inserted.

(Signed) Janis M. McKenzie, Chairperson

ANNOUNCEMENTS

Mr. Vrtiska designates LB 1044 as his priority bill.

Mr. Janssen designates LB 718 as his priority bill.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 988 in the Journal. No objections. So ordered.

AM3289

(Amendments to E & R amendments, AM5659)

1. Strike sections 6, 7, 39, and 40.

2. On page 17, line 18, strike "8 to 15" and insert "6 to 13".

3. On page 43, line 2, strike "10" and insert "8"; in line 25 strike "29-2204,"; and in line 27 strike "83-4,140, 83-4,141,".

4. Renumber the remaining sections accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1326A. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1326, Ninety-third Legislature, Second Session, 1994.

STANDING COMMITTEE REPORT
Education

The Committee on Education desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Special Education Accountability Commission
Nicolas Reyes, Jr.
Patricia J. Thundercloud
Jean E. Sigler
Max A. McFarland
Velda M. Lambert
Sandra S. Haughton
Robert A. Cannon
Keith Bartels
Kenneth M. Bird
Margene M. Beatty
Dr. Joseph Gaughan
Sally A. Tremain
Lisa Fricke

VOTE: Aye: Senators Bohlke, McKenzie, Monen, Rasmussen, and Warner. Nay: None. Absent: Senators Beutler, Janssen, and Wickersham.

(Signed) Ardyce Bohlke, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1129. Title read. Considered.

Mr. Dierks asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1250. Title read. Considered.

Standing Committee amendment, AM3015, printed separately from the Journal and referred to on page 617, was considered.

Mr. Withem offered the following amendment to the Standing Committee amendment:
AM3285

(Amendments to Standing Committee amendments, AM3015)

1. Insert the following new sections:

"Section 1. Any individual who is less than nineteen years of age and who is subject to the supervision of a juvenile probation officer or an adult probation officer pursuant to an order of the district court, county court, or juvenile court shall, as a condition of probation, be required to:

(1) Attend school to obtain vocational training or to achieve an appropriate educational level as prescribed by the probation officer after consultation with the school the individual attends or pursuant to section 3 of this act. If the individual fails to attend school regularly, maintain appropriate school behavior, or make satisfactory progress as determined by the probation officer after consultation with the school and the individual does not meet the requirements of subsection (2) of this section, the district court, county court, or juvenile court shall take appropriate action to enforce, modify, or revoke its order granting probation; or

(2) Attend an on-the-job training program or secure and maintain employment. If the individual fails to attend the program or maintain employment and does not meet the requirements of subsection (1) of this section, the district court, county court, or juvenile court shall take appropriate action to enforce, modify, or revoke its order granting probation.

Sec. 2. Section 1 of this act shall not apply to individuals who pass the general education development test or who earn a high school diploma. Subsection (2) of section 1

of this act shall not apply to an individual required to attend school pursuant to section 79-201.

Sec. 3. (1) If the individual chooses to meet the requirements of section 1 of this act by attending a public school and the individual has previously been expelled from school, prior to the readmission of the individual to the school, school officials shall meet with the individual's probation officer and assist in developing conditions of probation that will provide specific guidelines for behavior and consequences for misbehavior at school as well as educational objectives that must be achieved. The district court, county court, or juvenile court shall review the conditions of probation for the individual and may continue the expulsion or return the individual to school under the agreed conditions.

(2) The school board may expel the individual for subsequent actions as provided in section 79-4,180.

(3) The individual shall be screened by the school to which he or she is admitted for possible disabilities as provided in the Special Education Act and, if the screening so indicates, be referred for evaluation for possible placement in a special education program.

Sec. 4. The school district and the district court, county court, or juvenile court may establish education, counseling, or other programs to improve the behavior and educational performance of individuals covered by section 1 of this act.".

2. Renumber the remaining sections and correct internal references accordingly.

MR. HALL PRESIDING

Pending.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 1175. Placed on General File.

LEGISLATIVE BILL 37. Placed on General File as amended.
Standing Committee amendment to LB 37:
AM3281

1. Strike the original sections and insert the following new sections:

"Section 1. This act shall become operative on October 1, 1994.

Sec. 2. That section 77-4401, Revised Statutes Supplement, 1993, is repealed.".

LEGISLATIVE BILL 885. Placed on General File as amended.
(Standing Committee amendment, AM3123, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 871. Indefinitely postponed.
LEGISLATIVE BILL 959. Indefinitely postponed.
LEGISLATIVE BILL 960. Indefinitely postponed.
LEGISLATIVE BILL 976. Indefinitely postponed.
LEGISLATIVE BILL 1072. Indefinitely postponed.
LEGISLATIVE BILL 1090. Indefinitely postponed.
LEGISLATIVE BILL 1144. Indefinitely postponed.
LEGISLATIVE BILL 1154. Indefinitely postponed.
LEGISLATIVE BILL 1190. Indefinitely postponed.
LEGISLATIVE BILL 1229. Indefinitely postponed.
LEGISLATIVE BILL 1283. Indefinitely postponed.
LEGISLATIVE BILL 1284. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 1287. Placed on General File as amended.
Standing Committee amendment to LB 1287:
AM3267
1. On page 2, lines 3 and 6, strike "1994" and insert "1995".

(Signed) Wm. R. Wickersham, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 971. Placed on Select File as amended.
(E & R amendment, AM5666, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 883. Placed on Select File as amended.
E & R amendment to LB 883:
AM5667
1. On page 17, line 24, strike "license" and insert "licenses".
2. On page 18, lines 5 and 6, strike "Such sections" and insert "Sections 1 to 30 of this act".

LEGISLATIVE BILL 883A. Placed on Select File.
LEGISLATIVE BILL 942. Placed on Select File.

LEGISLATIVE BILL 980. Placed on Select File as amended.
E & R amendment to LB 980:
AM5668

1. On page 1, line 5, after "loan" insert "and installment sales".

LEGISLATIVE BILL 1015. Placed on Select File.

LEGISLATIVE BILL 967. Placed on Select File as amended.
E & R amendment to LB 967:
AM5669

1. On page 2, line 13, strike "the Department of".

2. On page 3, lines 20 and 22, after "history" insert "record information"; and in lines 24 and 25 strike "the" through "Act" and insert "this act".

3. On page 4, line 10; and page 6, line 3, after "services" insert "business".

4. On page 5, line 17, before "and" insert an underscored comma; and in lines 23 and 24 strike the second "the" and insert "this".

5. On page 6, line 9, strike "license" and insert "licensee"; in line 14 strike "of" and insert "after"; in line 23 strike "a" and insert "the"; and in line 28 strike "is" and insert "shall be".

6. On page 8, lines 13 and 14, strike "Delayed" through "Act" and insert "act"; and in line 17 strike "service" and insert "services".

7. On page 9, line 19, after "section" insert an underscored comma; and in line 25 strike "the" through "Act" and insert "this act".

8. On page 10, line 11; and page 11, lines 1 and 2, strike "Delayed" through "Act" and insert "act".

9. On page 10, line 16, strike "inquiry" and insert "proceeding".

10. On page 13, line 14, after "45-127" insert an underscored comma.

11. On page 15, line 27, after "of" insert "the Delayed Deposit Services Licensing Act, the Nebraska Installment Sales Act, and" and before the stricken "and" insert "if"; and strike line 28 and show the old matter as stricken.

12. On page 16, line 4, after "such" insert "acts and"; and in lines 4 and 5 strike "and" through "Act".

LEGISLATIVE BILL 929. Placed on Select File.

LEGISLATIVE BILL 1106. Placed on Select File as amended.
E & R amendment to LB 1106:
AM5670

1. On page 1, line 2, after the first comma insert "and".

2. On page 10, line 1, after the second comma insert "and".

LEGISLATIVE BILL 1106A. Placed on Select File.
LEGISLATIVE BILL 1116. Placed on Select File.

(Signed) Janis M. McKenzie, Chairperson

ANNOUNCEMENTS

The Health and Human Services Committee designates LB 817 and LB 1210 as its priority bills.

The Agriculture Committee designates LB 933 and LB 1058 as its priority bills.

MOTION - Place LB 1018 on General File

Mr. Ashford renewed his pending motion, found in the Journal on page 700, to place LB 1018 on General File notwithstanding the action of the Judiciary Committee.

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Ashford withdrew his motion to place LB 1018 on General File.

GENERAL FILE

LEGISLATIVE BILL 1250. The Withem pending amendment, AM3285, found in this day's Journal, to the pending Standing Committee amendment, was renewed.

Mrs. Robak and Mr. Landis asked unanimous consent to be excused. No objections. So ordered.

Mr. Pedersen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Withem moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mrs. Witek requested a roll call vote on the Withem amendment.

Voting in the affirmative, 39:

Abboud	Byars	Hartnett	McKenzie	Schimek
Ashford	Chambers	Hillman	Monen	Schmitt
Avery	Coordsen	Hudkins	Moore	Warner
Bernard-Stevens	Crosby	Janssen	Pedersen	Wehrbein
Beutler	Cudaback	Jones	Pirsch	Wesely
Bohlke	Day	Lindsay	Preister	Wickersham
Bromm	Elmer	Lynch	Rasmussen	Will
	Hall	Matzke	Schellpeper	Withem

Voting in the negative, 1:

Witek

Present and not voting, 3:

Fisher Robinson Vrtiska

Absent and not voting, 1:

Haberman

Excused and not voting, 5:

Dierks Engel Kristensen Landis Robak

The Withem amendment was adopted with 39 ayes, 1 nay, 3 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

ANNOUNCEMENTS

Mr. Moore designates LB 957 as his priority bill.

Mrs. Crosby designates LB 903 as her priority bill.

Mr. Bromm designates LB 944 as his priority bill.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 827 in the Journal. No objections. So ordered.

(Amendment, AM3265, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Wesely asked unanimous consent to print the following amendment to LB 823 in the Journal. No objections. So ordered.

AM3268

1. Strike original section 6.

2. On page 2, line 4, strike "that state" and insert ", just as exporting must be a part of a company's overall strategic plan for growth, export development must be a part of a state's overall economic competitiveness strategy. Therefor the State of Nebraska's"; in line 8 after "Development" insert "and the Department of Agriculture"; in line 10 after the period insert "This act shall not alter any other state law regarding the marketing of Nebraska products or services and shall not inhibit any other governmental agencies or subdivisions from exercising functions authorized by state law."; in line 11 strike "department shall" and insert "Department of Economic Development may cooperate with the other state agencies and subdivisions in activities and in the training of public and private entities to"; and in line 17 strike "and lead".

3. On page 3, line 10, strike "trade activities"; and in line 18 after "Nebraska" insert "as outlined in this act".

4. On page 4, strike beginning with "money" in line 2 through the first comma in line 3; in line 9 strike "submitted by" and insert "incorporated into"; and in line 10 strike "Development" and insert "Development's annual report".

Mr. Wesely asked unanimous consent to print the following amendment to LB 498 in the Journal. No objections. So ordered.

AM3312

1. Strike original section 1 and all amendments thereto and insert the following new sections:

"Section 1. That section 29-3701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-3701. (1) Following receipt of a verdict of acquittal on grounds of insanity, the court shall forthwith conduct a hearing to determine whether there is probable cause to believe the person is dangerous to himself, herself, or others by reason of mental illness or defect, or will be so dangerous in the foreseeable future, as demonstrated by ~~an overt act or threat~~ omissions, threats, or overt acts. In making this determination the court shall consider all evidence adduced at trial and all additional relevant evidence. If the court finds probable cause it shall order an evaluation not to exceed ninety days in length of the person's mental condition and a treatment plan pursuant to subsection (4) of this section. The evaluation of the person may be

conducted as an outpatient at a regional center or other appropriate facility if the court finds by clear and convincing evidence that the person poses no current danger to society at the time of the probable cause hearing and will not become a danger to society during the evaluation period. Otherwise the evaluation of the person shall be conducted as an inpatient at a locked and secure regional center facility or other appropriate locked and secure facility. When the court orders such an inpatient evaluation, the court shall specify in a detailed written order all conditions of the person's confinement during the evaluation and under what, if any, circumstances the person may leave the locked and secure facility. The written order specifying the conditions of confinement shall include a finding by the court that any freedom of movement accorded the person outside a locked and secure facility is consistent with the safety of the public. ~~If the court finds probable cause, the court shall determine whether and under what conditions of confinement the acquitted person should be committed to a regional center or other appropriate facility for a period not to exceed ninety days for an evaluation of the person's mental condition and for the preparation of a treatment plan pursuant to subsection (4) of this section. When the court commits the person for evaluation, the court shall specify all conditions of the person's confinement during the evaluation including, but not limited to, all circumstances under which the person may leave a locked facility at the place of confinement. The order of commitment specifying the conditions of confinement shall include a finding by the court that any freedom of movement accorded the person outside a locked facility is consistent with the safety of the public.~~

(2) The superintendent of the regional center or the director of the facility to which the person has been ~~committed~~ referred or confined for evaluation shall be responsible for supervising the evaluation and the preparation of an individualized treatment plan.

(3) The report of the evaluation shall address the following to the extent that the available information allows: (a) The person's psychological condition at the time of the evaluation; (b) the probable course of development of the person's condition, with special attention to the probable relationship between the person's current condition and the person's condition at the time of any omissions, threats, or overt acts establishing dangerousness, including the crime for which he or she was acquitted on grounds of insanity; (c) the probable relationship, if any, between the previous omissions, threats, or overt acts establishing dangerousness and the person's condition at the time of the omissions, threats, or overt acts; and (d) the prognosis for change in the person's

condition in light of available treatment. ~~evaluation shall include a determination of whether the person is dangerous to himself, herself, or others by reason of mental illness or defect, or will be so dangerous in the foreseeable future, as demonstrated by an overt act or threat.~~

(4) The individualized treatment plan shall contain a statement of the nature of the specific mental and physical problems and needs of the person, a statement of the least restrictive treatment conditions necessary to achieve the purposes of the plan, a statement of the least restrictive treatment conditions consistent with the safety of the public, and a description of intermediate and long-range treatment goals and a projected timetable for their attainment.

(5) Such evaluation and treatment plan shall include the facts upon which conclusions stated therein are based and shall be received by the court at least ten days prior to the expiration of the evaluation period. Copies of the evaluation and treatment plan shall be furnished to the prosecuting attorney and to the person.

(6) If the person desires a separate evaluation, he or she may file a motion with the court requesting an evaluation by one or more qualified experts of his or her choice. Such evaluation shall be at the person's expense unless otherwise ordered by the court. Any such expert evaluating a person pursuant to this subsection shall have access to the person's records at his or her place of confinement. The court may extend the person's ~~commitment~~ referral or confinement for an additional period not to exceed sixty days, if necessary to permit completion of the separate evaluation. The evaluation shall include the facts upon which conclusions stated therein are based and shall be received by the court at least ten days prior to the expiration of the evaluation period. A copy of such evaluation shall be furnished the prosecuting attorney.

Sec. 2. That section 29-3702, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-3702. (1) Prior to the expiration of the evaluation period provided for in section 29-3701, the court shall conduct an evidentiary hearing regarding the condition of the person, at which time a representative of the facility where he or she was evaluated may testify as to the results of the evaluation and the contents of the treatment plan. Based upon the results of the evaluation, evidence adduced at trial, evidence of other omissions, threats, or overt acts indicative of dangerousness, and any other relevant evidence, the court shall determine whether the person is dangerous to himself, herself, or others by reason of mental illness or defect, will be so dangerous in the foreseeable future, or will be so dangerous absent continuing participation in appropriate

treatment.

(2) If the court does not find that there is clear and convincing evidence of such dangerousness, as demonstrated by omissions, threats, or overt acts, the court shall unconditionally release the person from further court-ordered treatment. If the court finds clear and convincing evidence of such dangerousness, as demonstrated by omissions, threats, or overt acts, the court shall order that such person participate in an appropriate treatment program specifying conditions of liberty and monitoring consistent with the treatment needs of the person and the safety of the public. The treatment program may involve any public or private facility or program which offers treatment for mental illness and may include an inpatient, residential, day, or outpatient setting. The court shall place the person in the least restrictive available treatment program that is consistent with the treatment needs of the person and the safety of the public. ~~If the court determines that there is clear and convincing evidence that the person is dangerous to himself, herself, or others by reason of mental illness or defect, or will be so dangerous in the foreseeable future, as demonstrated by an overt act or threat, the court shall commit the person for treatment to one of the regional centers or other appropriate facility. The court shall specify the conditions of confinement regarding the person's freedom of movement outside locked facilities at the place of confinement, including whether or not the facility may grant the person leave into the community for any period of time, however short. The order of commitment specifying the conditions of confinement shall include a finding by the court that any freedom of movement accorded the person outside a locked facility is consistent with the safety of the public.~~ Personnel at the facility providing the treatment program shall obey the court-ordered conditions, and any person who fails to do so shall upon conviction be subject to the full contempt powers of the court.

Sec. 3. That section 29-3703, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-3703. (1) The court which tried a person who is found not responsible by reason of insanity shall annually and may, upon its own motion or upon motion of the person or the prosecuting attorney, review the records of such person and conduct an evidentiary hearing on the status of the person. The court may, upon its own motion or upon a motion by the person or the prosecuting attorney, order an independent psychiatric or psychological evaluation of the person. The court shall consider the results of the evaluation at the evidentiary hearing. When the independent evaluation is conducted pursuant to a motion by the court or the prosecuting

attorney, the cost of such independent evaluation shall be the expense of the county. When the evaluation is conducted pursuant to a motion by the person and if the person is not indigent, the cost of the evaluation shall be borne by the person.

(2) If as a result of such hearing the court finds that such person is no longer dangerous to himself, herself, or others by reason of mental illness or defect, and will not be so dangerous in the foreseeable future, the court shall order such person unconditionally released from ~~further confinement~~ court-ordered treatment. If the court does not so find, the court shall order that such person ~~returned to an appropriate facility under an appropriate treatment plan and conditions of confinement. The court may place the person in a less restrictive setting only if it finds that such placement is consistent with the safety of the public~~ participate in an appropriate treatment program specifying conditions of liberty and monitoring consistent with the treatment needs of the person and the safety of the public. The treatment program may involve any public or private facility or program which offers treatment for mental illness and may include an inpatient, residential, day, or outpatient setting. The court shall place the person in the least restrictive available treatment program that is consistent with the treatment needs of the person and the safety of the public.

(3) If the person has been treated in a regional center or other appropriate facility and is ordered placed in a less restrictive treatment program, the regional center or other appropriate facility shall develop an individual discharge plan consistent with the order of the court and shall provide the less restrictive treatment program a copy of the discharge plan and all relevant treatment information.

(4) Upon motion of the prosecuting attorney or upon its own motion, but at least annually, the court shall hold a hearing to determine whether the person is complying with the conditions set by the court. Upon an initial showing of probable cause by affidavit or sworn testimony that the person is not complying with the court-ordered conditions, the court may issue a warrant directing the sheriff or any peace officer to take the person into custody and place him or her into a mental health center, regional center, or other appropriate facility with available space where he or she shall be held pending the hearing. When a person has been taken into custody pursuant to this subsection, the hearing shall be held within ten days. Following the hearing, the court shall determine whether placement in the current treatment program should be continued or ceased and whether the conditions of the placement should be continued or modified.

(5) Any treatment program to which a person is committed on the effective date of this act under this section or section 29-3702 shall submit reports to the trial court and the prosecuting attorney documenting the treatment progress of that person at least annually. Additionally, if the person fails to comply with any condition specified by the court, the court and the prosecuting attorney shall be notified forthwith.".

2. On page 3, line 16, strike "3" and insert "5".

3. On page 5, line 15, strike "1994" and insert "1995".

4. On page 9, line 15, strike "3 and 6 to 8" and insert "5 and 8 to 10"; and in line 18 strike "83-308.01" and insert "29-3701, 29-3702, 29-3703".

5. Renumber the remaining sections accordingly.

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 277 in the Journal. No objections. So ordered.

AM3320

(Amendments to E & R amendment, AM5624)

1. Insert the following new section:

"Sec. 2. That section 83-192, Revised Statutes Supplement, 1993, be amended to read as follows:

83-192. The Board of Parole shall:

(1) Determine the time of release on parole of committed offenders eligible for such release;

(2) Fix the conditions of parole, revoke parole, issue or authorize the issuance of warrants for the arrest of parole violators, and impose other sanctions short of revocation for violation of conditions of parole;

(3) Determine the time of discharge from parole;

(4) Visit and inspect any facility, state or local, for the detention of persons charged with or convicted of an offense and for the safekeeping of such other persons as may be remanded to such facility in accordance with law;

(5) Serve in an advisory capacity to the director in administering parole services within any facility and in the community;

(6) Interpret the parole program to the public with a view toward developing a broad base of public support;

(7) Conduct research for the purpose of evaluating and improving the effectiveness of the parole system;

(8) Recommend parole legislation to the Governor;

(9) Within two years after the effective date of this act, implement objective parole risk-assessment criteria which shall be used by the members of the board as additional considerations in determining whether to grant or deny parole to any particular offender who is eligible for parole. For

purposes of this subdivision, objective parole risk-assessment criteria shall mean criteria which statistically have been shown to be good predictors of risk to society of release on parole;

(10) Review the record of every committed offender as follows:

(a) If a committed offender has a parole eligibility date within five years of his or her date of incarceration, his or her record shall be reviewed annually;

(b) If a committed offender has a parole eligibility date which is more than five but not more than ten years from his or her date of incarceration, his or her record shall be reviewed during the first year of incarceration, and when he or she is within three years of his or her earliest parole eligibility date, his or her record shall be reviewed annually;

(c) If a committed offender has a parole eligibility date which is more than ten but not more than thirty years from his or her date of incarceration, his or her record shall be reviewed during the first year of incarceration, every five years thereafter until he or she is within five years of his or her earliest parole eligibility date, and annually thereafter;

(d) If a committed offender has a parole eligibility date which is more than thirty years from his or her date of incarceration, his or her record shall be reviewed during his or her first, tenth, and twentieth year of incarceration, and when he or she is within five years of his or her earliest parole eligibility date, his or her record shall be reviewed annually; and

(e) If a committed offender is serving a minimum life sentence, his or her record shall be reviewed during the first year of incarceration and every ten years thereafter until such time as the sentence is commuted. If such sentence is commuted, the committed offender's record shall be reviewed annually when he or she is within five years of his or her earliest parole eligibility date.

Such review shall include the circumstances of the offense, the presentence investigation report, the committed offender's previous social history and criminal record, his or her conduct, employment, and attitude during commitment, and the reports of such physical and mental examinations as have been made. The board shall meet with such committed offender and counsel him or her concerning his or her progress and prospects for future parole.

The review schedule shall be based on court-imposed sentences or statutory minimum sentences, whichever are greater. Nothing in such schedule shall prohibit the board from reviewing a committed offender's case at any time;

~~(10)~~ (11) Make rules and regulations for its own administration and operation; and

~~(11)~~ (12) Exercise all powers and perform all duties necessary and proper in carrying out its responsibilities under the Nebraska Treatment and Corrections Act.

The provisions of this section shall not prohibit a committed offender from requesting that the board review his or her record, except that the board shall not be required to review a committed offender's record more than once a year.".

2. On page 5, line 11, after the first comma insert "and section 83-192, Revised Statutes Supplement, 1993,".

3. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Mrs. Hillman asked unanimous consent to have her name added as cointroducer to LB 1044. No objections. So ordered.

VISITORS

Visitors to the Chamber were Bob and Millie Wallace from Papillion.

ADJOURNMENT

At 12:07 p.m., on a motion by Mrs. McKenzie, the Legislature adjourned until 9:00 a.m., Wednesday, February 23, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-NINTH DAY - FEBRUARY 23, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 23, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

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

ROLL CALL

The roll was called and all members were present except Mr. Engel who was excused; and Messrs. Ashford, Avery, Bromm, Byars, Coordsen, Kristensen, Landis, Lindsay, Matzke, Schellpeper, Wickersham, Will, Ms. Day, Mmes. McKenzie, and Rasmussen who were excused until they arrive.

PRESIDENT ROBAK PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following resolution and bills were correctly engrossed: LR 2CA, LB 693, and LB 779.

Enrollment and Review Change to LB 779

The following changes, required to be reported for publication in the Journal, have been made:
ER7410

1. On page 1, the matter beginning with "pretrial" in line 1 through line 5 has been struck and "probation; to amend section 29-2257, Reissue Revised Statutes of Nebraska, 1943; to provide requirements for compensation for probation officers; and to repeal the original section." inserted.

LEGISLATIVE BILL 884. Placed on Select File as amended.
E & R amendment to LB 884:
AM5674

1. On page 2, line 5, after the first semicolon insert "to provide and change penalties;".
2. On page 30, line 23, after "8-1111" insert an underscored comma.
3. On page 63, strike beginning with the second "or" in line 21 through the comma in line 22, show as stricken, and insert an underscored comma; in line 23 strike the second comma; and in line 27 after the period insert "Mergers shall be subject to the Nebraska Uniform Limited Partnership Act or the Limited Liability Company Act when a limited partnership or limited liability company is involved.".
4. On page 65, line 11, strike the second comma; and in line 12 strike the comma.
5. On page 66, line 28, after the comma insert "section 47 of this act shall apply if the surviving or new entity is a limited liability company,".
6. On page 67, line 21, after "and" insert ", subject to the Limited Liability Company Act,".
7. On page 72, line 12, after "are" insert "members".
8. On page 81, line 20, after "company" insert an underscored comma.
9. On page 86, line 23, strike "of" and insert "or".
10. On page 88, line 22, strike the first comma; and in line 24 strike "this article" and insert "sections 43 to 48 of this act".
11. On page 89, line 1, strike "has" and insert "shall have"; in line 4 strike the second comma; in line 6 strike the commas; in line 14 strike "is" and insert "shall be"; in line 21 strike "for shares"; and in line 25 strike the comma.
12. On page 91, line 1, strike the second comma; in lines 3 and 4 strike "are" and insert "shall be"; and in line 21 strike "50" and insert "46".
13. On page 93, line 9, strike "title" and insert

"titles".

14. On page 99, line 25, after "or" insert "limited liability company".

15. On page 116, line 28, strike the comma and show as stricken.

16. On page 137, line 7, strike "the" and insert "a general partner which is a".

LEGISLATIVE BILL 979. Placed on Select File as amended.
E & R amendment to LB 979:
AM5671

1. Renumber section 4 as section 5 and section 5 as section 4.

2. On page 9, line 15, strike "9" and insert "8".

LEGISLATIVE BILL 913. Placed on Select File.

(Signed) Janis M. McKenzie, Chairperson

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 1160. Placed on General File as amended.
Standing Committee amendment to LB 1160:
AM3282

1. Insert the following new section:

"Sec. 47. (1) The department shall refund the total fee paid for a special fuel user permit purchased after January 1, 1994, for a diesel-powered motor vehicle. The department shall refund a portion of the fee paid for a special fuel user permit purchased prior to January 1, 1994, for a diesel-powered motor vehicle based upon the number of unexpired months remaining in the registration period for the motor vehicle as measured from January 1, 1994. Any special fuel user permit purchased prior to July 1, 1994, for a motor vehicle powered by alternative fuel shall be deemed to be an alternative fuel user permit for purposes of the Alternative Fuel Tax Act through the months remaining in the registration period of the motor vehicle.

(2) The refunds provided for by this section shall be claimed by purchasers of special fuel user permits by filing a claim with the department on forms prepared and furnished by the department. The refund claim shall be accompanied by the permit, proof of payment of the special fuel user permit fee, and such other documentation as the department deems necessary. All refunds issued under this section shall be paid from the Highway Trust Fund.".

2. On page 5, strike beginning with "if" in line 8 through "sale" in line 9.

3. On page 6, lines 3, 8, 14, and 28; on page 7, lines 12, 18, and 25; page 9, lines 11 and 14; page 10, lines 10 and 16; page 11, lines 12 and 26; page 12, lines 3 and 6; page 32, line 25; page 33, lines 1, 7, 14, 23, and 25; page 36, line 13; page 37, lines 4 and 10; page 44, line 4; page 45, line 26; page 46, line 3; page 52, line 8; page 66, line 4; page 72, line 4; and page 74, line 3, before "or" insert "wholesaler,".

4. On page 6, line 26, strike "or"; and in line 28 before the period insert "; or (e) the diesel fuel has been sold by a licensed distributor or licensed importer to a licensed distributor or to a licensed wholesaler and the seller acquired ownership of the diesel fuel directly from a licensed supplier at or from a refinery, barge, barge line, or pipeline terminal in this state or was the first importer of such fuel into this state".

5. On page 9, line 16, before the first "or" insert ", wholesaler,".

6. On page 12, line 8; and page 33, line 27, before the first "or" insert "wholesaler's,".

7. On page 14, line 18, strike "46" and insert "47".

8. On page 16, line 25, after the period insert "The fee determined according to this section shall be rounded to the nearest dollar, with amounts ending in fifty cents or more rounded to the next highest dollar.".

9. On page 19, line 17; page 46, line 13; page 47, lines 16 and 17; page 52, line 22; page 71, lines 22 and 24; page 72, lines 4, 18, 22, and 26; page 73, lines 5 and 13; and page 74, lines 11 and 15, before "and" insert "wholesalers,".

10. On page 30, strike beginning with "if" in line 22 through "sale" in line 23.

11. On page 36, line 23, strike "or (d)" and insert "(d) the motor vehicle fuel has been sold by a licensed distributor or licensed importer to a licensed distributor or to a licensed wholesaler and the seller acquired ownership of the motor vehicle fuel directly from a licensed supplier at or from a refinery, barge, barge line, or pipeline terminal in this state or was the first importer of such fuel into this state, or (e)".

12. On page 44, lines 1 and 5; page 46, lines 7 and 18; and page 74, lines 22, 24, 27, and 28, before "or" insert "wholesalers,".

13. On page 52, lines 4 and 13, before "and" insert "wholesaler,"; and in line 28 strike "82 and 86" and insert "83 and 87".

14. On page 53, line 1, strike "92" and insert "93".

15. On page 56, lines 10 and 19; and page 57, line

1, strike "82" and insert "83".

16. On page 58, line 17, strike "88 to 92" and insert "89 to 93"; and in line 26 strike "82 and 87 to 92" and insert "83 and 88 to 93".

17. On page 59, line 10, strike "88" and insert "89".

18. On page 61, line 13, strike "90" and insert "91"; in line 20 strike "88 to 91" and insert "89 to 92"; and in line 21 strike "91" and insert "92".

19. On page 62, line 18, strike "111" and insert "112".

20. On page 81, line 28; and page 82, line 7, strike "117" and insert "118".

21. On page 83, line 6, after "petroleum" insert "that is exported or".

22. On page 85, line 12, after "vehicle" insert "and diesel".

23. On page 87, line 1, strike "46" and insert "47"; in line 3 strike "82 and 86 to 92" and insert "83 and 87 to 93"; in line 6 strike "111" and insert "112"; in line 9 strike "93 and 127" and insert "94 and 128"; and in line 10 strike "128" and insert "129".

24. Renumber the remaining sections accordingly.

(Signed) Jerome Warner, Chairperson

ANNOUNCEMENTS

Mr. Coordsen designates LB 961 as his priority bill.

The Urban Affairs Committee designates LB 1188 and LB 1322 as its priority bills.

Mr. Dierks designates LB 72 as his priority bill.

REPORT

Received minutes from the Department of Roads of the Board of Public Roads Classifications and Standards for January 1994.

MOTION - Approve Appointments

Mr. Fisher moved the adoption of the report of the Transportation Committee for the following Governor appointments found in the Journal on page 736: Mel Auch - Motor Vehicle Industry Licensing Board; Dr. Michael Cunning, Roger Kassebaum, Sheryl Lindau, Rachel LaBounty, Jack McBride, Floyd Olson, Robert Sweeney, Craig Schroeder, and Carol Aschenbrener, M.D. - Commission on Information Technology; Michael Shannon and Don Coash - Nebraska

Railway Council; Leslie Chaffin, William Lindholm, Arthur Yonkey, and Gene Acklie - Board of Public Roads Classification and Standards; and Russel S. Eisenhart, Jr., Robert Kayton, and Duane Acklie - Nebraska Highway Commission.

Voting in the affirmative, 25:

Abboud	Dierks	Janssen	Robinson	Warner
Bernard-Stevens	Fisher	Jones	Schellpeper	Wehrbein
Bohlke	Hall	Monen	Schimek	Wesely
Chambers	Hartnett	Pedersen	Schmitt	Witek
Crosby	Hillman	Pirsch	Vrtiska	Withem

Voting in the negative, 0.

Present and not voting, 9:

Beutler	Elmer	Hudkins	Moore	Robak
Cudaback	Haberman	Lynch	Preister	

Excused and not voting, 15:

Ashford	Byars	Engel	Lindsay	Rasmussen
Avery	Coordsen	Kristensen	Matzke	Wickersham
Bromm	Day	Landis	McKenzie	Will

These appointments were confirmed with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Mr. Schellpeper moved the adoption of the report of the General Affairs Committee for the following Governor appointments found in the Journal on page 764: Gail Erwin, Don Hinds, Marilyn Mitchell, and Jean Sidwell - Nebraska Arts Council and Joseph Pinhero and Emmett Smith - Nebraska State Electrical Board.

Voting in the affirmative, 25:

Abboud	Cudaback	Janssen	Robinson	Warner
Bernard-Stevens	Dierks	Jones	Schellpeper	Wehrbein
Bohlke	Fisher	Monen	Schimek	Wesely
Chambers	Hall	Pedersen	Schmitt	Witek
Crosby	Hillman	Pirsch	Vrtiska	Withem

Voting in the negative, 0.

Present and not voting, 9:

Beutler	Haberman	Hudkins	Moore	Robak
Elmer	Hartnett	Lynch	Preister	

Excused and not voting, 15:

Ashford	Byars	Engel	Lindsay	Rasmussen
Avery	Coordsen	Kristensen	Matzke	Wickersham
Bromm	Day	Landis	McKenzie	Will

These appointments were confirmed with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Bohlke moved the adoption of the report of the Education Committee for the following Governor appointments found in the Journal on page 798: Nicolas Reyes, Jr., Patricia J. Thundercloud, Jean E. Sigler, Max A. McFarland, Velda M. Lambert, Sandra S. Haughton, Robert A. Cannon, Keith Bartels, Kenneth M. Bird, Margene M. Beatty, Dr. Joseph Gaughan, Sally A. Tremain, and Lisa Fricke - Nebraska Special Education Accountability Commission.

Voting in the affirmative, 25:

Abboud	Day	Hillman	Preister	Warner
Bernard-Stevens	Elmer	Janssen	Robinson	Wehrbein
Bohlke	Fisher	Jones	Schellpeper	Wesely
Chambers	Hall	Landis	Schimek	Witek
Crosby	Hartnett	Monen	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 10:

Beutler	Dierks	Hudkins	Moore	Pirsch
Cudaback	Haberman	Lynch	Pedersen	Vrtiska

Excused and not voting, 14:

Ashford	Byars	Kristensen	McKenzie	Wickersham
Avery	Coordsen	Lindsay	Rasmussen	Will
Bromm	Engel	Matzke	Robak	

These appointments were confirmed with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1250. The Standing Committee amendment, AM3015, printed separately from the Journal and referred to on page 617, considered and amended on pages 799 and 803, was renewed.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA376
Amend AM 3015 (Committee Amendment)
P. 29, line 6, after "unless", strike all language through "or" in line 8, and insert, "such report was false and the person making such report knew or should have known it was false;
In line 8, strike "reckless" and insert "negligent"

The Chambers amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA377
Amend Committee Amendment (AM3015)
Page 23, line 10, after the second "the", insert "knowing and"
In line 14, after "the", insert "knowing and"

Mr. Withem moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The Chambers amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 312, LR 313, LR 314, LR 315, LR 316, and LR 317.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 436A. Placed on Select File.

LEGISLATIVE BILL 694A. Placed on Select File.

(Signed) Janis M. McKenzie, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 1044 in the Journal. No objections. So ordered.

AM3319

(Amendments to Standing Committee amendment, AM3236)

1. Insert the following new amendments:

"1. Strike original section 2.

4. On page 4, line 12, strike beginning with 'sections' through '86-1007' and insert 'section 86-1003'; and in line 13 strike 'are' and insert 'is'.

5. Renumber the remaining section accordingly.".

2. Renumber the remaining amendments accordingly.

ANNOUNCEMENTS

Mr. Cudaback designates LB 1127 as his priority bill.

Mr. Jones designates LB 1087 as his priority bill.

Mr. Preister designates LB 1359 as his priority bill.

The General Affairs Committee designates LB 1153 as its priority bill.

The Appropriations Committee designates LB 1356 as its priority bill.

Mr. Avery designates LB 1349 as his priority bill.

Ms. Schimek designates LB 76 as her priority bill.

The Judiciary Committee designates LB 156 as its priority bill.

The Transportation Committee designates LB 227 as its priority bill.

The Banking, Commerce and Insurance Committee designates LB 1107 and LB 1183 as its priority bills.

The Nebraska Retirement Systems Committee designates LB 1287 as its priority bill.

Mr. Schellpeper designates LB 915 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 1275. Title read. Considered.

Standing Committee amendment, AM2975, found in the Journal on page 598, was considered.

Mr. Withem offered the following amendment to the Standing Committee amendment:
AM3353

(Amendments to Standing Committee amendments, AM2975)

1. On page 4, line 8, strike the new matter; and in line 9 after "annually" insert ", within fifteen days after certifying the assessment rolls pursuant to section 77-1315,".

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

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

LB 1036	Wednesday, March 2, 1994 (Rehearing)	12:00 p.m.
LB 893	Wednesday, March 2, 1994 (Rehearing)	12:00 p.m.
LB 1073	Wednesday, March 2, 1994 (Rehearing)	7:00 p.m.
LB 1338	Wednesday, March 2, 1994 (Rehearing)	7:00 p.m.

(Signed) Wm. R. Wickersham, Chairperson

ANNOUNCEMENTS

The Business and Labor Committee designates LB 1101 as its priority bill.

Mr. Byars designates LB 1136 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 1290. Title read. Considered.

Mr. Moore moved to bracket LB 1290 until March 1, 1994.

MR. HALL PRESIDING

Mr. Moore moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Wickersham requested a roll call vote, in reverse order, on the Moore motion to bracket LB 1290.

Voting in the affirmative, 20:

Avery	Cudaback	Haberman	Jones	Schmitt
Bernard-Stevens	Day	Hall	Matzke	Vrtiska
Bromm	Elmer	Hudkins	Moore	Witek
Byars	Fisher	Janssen	Robinson	Withem

Voting in the negative, 24:

Abboud	Dierks	Lindsay	Pirsch	Wehrbein
Beutler	Hartnett	Lynch	Rasmussen	Wesely
Bohlke	Hillman	McKenzie	Robak	Wickersham
Coordsen	Kristensen	Monen	Schimek	Will
Crosby	Landis	Pedersen	Warner	

Present and not voting, 4:

Ashford	Chambers	Preister	Schellpeper

Excused and not voting, 1:

Engel

The Moore motion to bracket lost with 20 ayes, 24 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Messrs. Wickersham and Warner offered the following amendment:
AM3360

1. Strike original section 1 and insert the following new section:

"Section 1. That section 79-3809, Revised Statutes Supplement, 1992, be amended to read as follows:

79-3809. (1) Beginning in ~~1994~~ 1995, on or before March 1 of each year the Department of Revenue shall compute and certify to the State Department of Education the adjusted valuation, by county, of each district for the second preceding tax year by application of an adjustment factor for each class of property in each such district so that the valuation of property for each district, for purposes of determining state aid pursuant to the Tax Equity and

Educational Opportunities Support Act, shall reflect as nearly as possible ~~taxable~~ state aid value as required by law. ~~and the Constitution of Nebraska.~~ Establishment of the adjustment factors shall be based on ~~the best available~~ assessment practices established by rule and regulation adopted and promulgated by the Department of Revenue. The assessment practices may include, but not be limited to, the appraisal techniques listed in section 77-112.

(2) For purposes of this section, state aid value shall mean:

(a) For real property other than agricultural land, one hundred percent of market value;

(b) For agricultural land, eighty percent of market value as provided in sections 77-1359 to 77-1367 and 77-1371;

(c) For personal property other than motor vehicles, the net book value as defined in section 77-120; and

(d) For motor vehicles, the value established pursuant to section 77-1239.

(3) Within thirty days after the adjusted valuations have been certified by the Department of Revenue, any school district may file written objections to the adjusted valuations prepared by the department, stating the reasons why such adjusted valuations are not the valuations required by subsection (2) of this section. Upon the filing of objections, the Tax Commissioner shall fix a time for a hearing to be held within thirty days of the filing of objections. Either party shall be permitted to introduce any evidence in reference thereto, and the Tax Commissioner shall act upon the objections and shall make such an order in the premises as shall seem just and reasonable. The final determination by the Tax Commissioner and the adjusted valuations shall be finalized by June 1. The final determination of the Tax Commissioner may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act.

(4) No injunction shall be granted restraining the distribution of state aid based upon the adjusted valuations pursuant to this section.".

Mr. Withem offered the following amendment to the Wickersham-Warner pending amendment:

FA378

Amend AM3360

Pg 1, Line 5, strike new language, re-insert stricken language

Line 14, after "." insert "For years 1995 and beyond."

Line 21, after "2" insert "For years 1995 and beyond

Line 24, page 2 insert "For years 1995 and beyond"

Mr. Haberman and Mrs. Bohlke asked unanimous consent to be excused. No objections. So ordered.

Mr. Withem moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Withem requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Ashford	Byars	Hall	Lindsay	Schellpeper
Avery	Cudaback	Hudkins	Moore	Schmitt
Bernard-Stevens	Dierks	Janssen	Pedersen	Wesely
Bromm	Elmer	Jones	Preister	Withem
	Fisher	Landis	Robinson	

Voting in the negative, 16:

Abboud	Lynch	Monen	Robak	Wickersham
Beutler	Matzke	Pirsch	Warner	Will
Crosby	McKenzie	Rasmussen	Wehrbein	Witek
Kristensen				

Present and not voting, 7:

Chambers	Day	Hillman	Schimek	Vrtiska
Coordsen	Hartnett			

Excused and not voting, 3:

Bohlke	Engel	Haberman

The Withem amendment lost with 23 ayes, 16 nays, 7 present and not voting, and 3 excused and not voting.

Pending.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 319. Introduced by Coordsen, 32; Avery, 3; Schellpeper, 18; Pirsch, 10; Hudkins, 21; Pedersen, 39; Robinson, 16; Schmitt, 41; Wehrbein, 2; Vrtiska, 1; Moore, 24; Fisher, 35; Wickersham, 49; Abboud, 12; Warner, 25; Cudaback, 36; Robak, 22; Elmer, 38; Haberman, 44; Matzke, 47; McKenzie, 34; Crosby, 29; Janssen, 15; Dierks, 40; Byars, 30; Witek, 31; Jones, 43; Hartnett, 45.

WHEREAS, the United States remains the destination for millions of immigrants attracted by the freedoms of liberty, equality, and expression; and

WHEREAS, while the right of expression is a principal freedom provided by the United States Constitution, very carefully drawn limits of expression in specific instances have long been recognized as legitimate means in maintaining public safety and decency, as well as providing order and value to public debate; and

WHEREAS, certain actions, while relating to an individual's right to free expression, nevertheless raise issues concerning public decency, peace, rights of expression, and the values of others; and

WHEREAS, the flag of the United States is the most recognized and cherished symbol of a grateful nation and no other American symbol has been as universally honored as the American Flag; and

WHEREAS, the law as interpreted by the United States Supreme Court no longer accords the American Flag the reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

WHEREAS, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the American Flag of a proper station under law and decency.

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

1. That the Legislature encourages the Congress of the United States to consider an amendment to the United States Constitution, to be ratified by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

2. That the Clerk of the Legislature transmit a copy of this resolution to the Speaker of the House of Representatives and the President pro tempore of the Senate of the Congress of the United States, to all members of the Nebraska delegation to the Congress of the United States, and to the President of the United States.

Laid over.

ANNOUNCEMENTS

Mrs. Witek designates LB 945 as her priority bill.

Mr. Hall designates LR 293CA as his priority resolution.

Mr. Fisher designates LB 1354 as his priority bill.

Mr. Schmitt designates LR 277CA as his priority resolution.

Mr. Abboud designates LB 1351 as his priority bill.

Mrs. Robak designates LB 1022 as her priority bill.

The Revenue Committee designates LB 910 and LB 1083 as its priority bills.

Mr. Will designates LB 489 as his priority bill.

Mr. Kristensen designates LB 901 as his priority bill.

Mr. Haberman designates LB 885 as his priority bill.

Mr. Lindsay designates LB 1074 as his priority bill.

Mr. Ashford designates LB 1174 as his priority bill.

The Education Committee designates LB 989 and LB 1311 as its priority bills.

STANDING COMMITTEE REPORT
Agriculture

The Committee on Agriculture desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Dick R. Wagoner - Nebraska Dry Bean Commission

VOTE: Aye: Senators Dierks, Elmer, Haberman, Schellpeper, and Vrtiska. Absent: Senators Chambers, Cudaback, and Hudkins.

(Signed) Merton L. Dierks, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 291, 291A, and 460.

Enrollment and Review Change to LB 291

The following changes, required to be reported for publication in the Journal, have been made:
ER7412

1. Because of the adoption of the Bernard-Stevens amendment, AM2900, the Bernard-Stevens amendment, AM2857, has been struck.

2. In the E & R amendment, AM5615, section 3 has been renumbered as section 4.

3. On page 1, line 2, strike "and 71-5008" and insert ", 71-5008, and 71-5009"; and in line 6 after the first semicolon insert "to change funding provisions;".

Enrollment and Review Change to LB 460

The following changes, required to be reported for publication in the Journal, have been made:
ER7411
1. On page 1, line 4, "and county" has been struck and "to harmonize provisions;" has been inserted after the semicolon.

(Signed) Janis M. McKenzie, Chairperson

STANDING COMMITTEE REPORTS
Executive Board

LEGISLATIVE BILL 1243. Placed on General File.

LEGISLATIVE BILL 1309. Placed on General File as amended.
Standing Committee amendment to LB 1309:
AM3344
1. On page 2, line 15, strike "ten" and insert "five".

(Signed) Tim Hall, Chairperson

Business and Labor

LEGISLATIVE BILL 1337. Placed on General File.

(Signed) Chris Abboud, Chairperson

Education

LEGISLATIVE BILL 1228. Indefinitely postponed.
LEGISLATIVE BILL 1314. Indefinitely postponed.

(Signed) Ardyce Bohlke, Chairperson

Agriculture

LEGISLATIVE BILL 935. Placed on General File as amended.
Standing Committee amendment to LB 935:
AM3345
1. Strike the original section and insert the following new section:
"Section 1. That section 2-1063, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

(Signed) Merton L. Dierks, Chairperson

General Affairs

LEGISLATIVE BILL 1167. Placed on General File.

LEGISLATIVE BILL 1153. Placed on General File as amended.
Standing Committee amendment to LB 1153:
AM3335

1. Insert the following new section:
"Sec. 7. This act shall become operative on May 1, 1994.".
2. On page 4, line 24, strike "twenty-five" and insert "twenty-four"; and strike beginning with "Each" in line 27 through line 28.
3. On page 5, lines 1 and 2, strike the new matter.
4. On page 6, lines 11 through 27, strike the new matter and reinstate the old matter.
5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1354. Placed on General File as amended.
Standing Committee amendment to LB 1354:
AM3333

1. On page 3, reinstate the stricken matter beginning with "The" in line 6 through "ten" in line 9; in line 9 after the reinstated "ten" insert an underscored period; in line 23 reinstate the stricken matter; and in line 26 after "(3)" insert "For purposes of this section, exotic wager shall mean daily double, exacta, quinella, trifecta, pick six, and other similar types of bets which are approved by the commission.
(4)".
2. On page 5, line 19, after the period insert "Any money in the fund which is not distributed at the end of the calendar year shall be available for expenditure by the commission to defray its expenses pursuant to section 2-1209.".

LEGISLATIVE BILL 1297. Indefinitely postponed.

(Signed) Stan Schellpeper, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 594 in the Journal. No objections. So ordered.

AM3349

1. Insert the following new section:

"Section 1. That section 48-115, Revised Statutes Supplement, 1993, be amended to read as follows:

48-115. The terms employee and worker are used interchangeably and have the same meaning throughout the Nebraska Workers' Compensation Act. Such terms include the plural and all ages and both sexes and shall be construed to mean:

(1) Every person in the service of the state or of any governmental agency created by it, including the Nebraska National Guard and members of the military forces of the State of Nebraska, under any appointment or contract of hire, expressed or implied, oral or written. For the purposes of the Nebraska Workers' Compensation Act, (a) volunteer firefighters of any fire department of any rural or suburban fire protection district, city, or village, which fire department is regularly organized under the laws of the State of Nebraska, shall be deemed employees of such rural or suburban fire protection district, city, or village while in the performance of their duties as members of such department and shall be considered as having entered and as acting in the regular course of their employment when traveling from any place from which they have been called to active duty to a fire station or other place where firefighting equipment that their company or unit is to use is located or to any emergency that the volunteer firefighters may be officially called to participate in, (b) members of such volunteer fire department, before they are entitled to benefits under the Nebraska Workers' Compensation Act, shall be recommended by the chief of the fire department for membership therein to the board of directors, the mayor and city commission, the mayor and council, or the chairperson and board of trustees, as the case may be, and upon confirmation shall be deemed employees of the rural or suburban fire protection district, city, or village, (c) members of such fire department after confirmation to membership may be removed by a majority vote of such board of directors, commission, council, or board and thereafter shall not be considered employees of such rural or suburban fire protection district, city, or village, (d) firefighters of any fire department of any rural or suburban fire protection district, city, or village shall be considered as acting in the performance and within the scope of their duties in fighting fire or saving property or life outside of the corporate limits of their respective districts, cities, or villages, but only if directed to do so by the chief of the fire department or some person authorized to act for such chief, (e) any members of the state Civil Defense Agency, any local organization for civil defense, or any civil defense mobile support unit, which state Civil Defense Agency, local

organization for civil defense, or civil defense mobile support unit is regularly organized under the laws of the State of Nebraska, shall be deemed employees of such state Civil Defense Agency, local organization for civil defense, or civil defense mobile support unit while in the performance of their duties as members of such state Civil Defense Agency, local organization, or mobile support unit, (f) any person fulfilling conditions of probation, or community service as defined in section 29-2277, pursuant to any order of any court of this state who shall be working for a governmental body, or agency as defined in section 29-2277, pursuant to any condition of probation, or community service as defined in section 29-2277, shall be deemed an employee of the governmental body or agency for the purposes of the Nebraska Workers' Compensation Act, (g) volunteer ambulance drivers and attendants who provide ambulance service for any county, city, or village or any combination of such county, city, or village under the authority of section 13-303 shall be deemed employees of the county, city, or village or combination thereof while in the performance of their duties as such ambulance drivers or attendants and shall be considered as having entered into and as acting in the regular course of their employment when traveling from any place from which they have been called to active duty to a hospital or other place where the ambulance they are to use is located or to any emergency in which the volunteer drivers or attendants may be officially called to participate, but such volunteer ambulance drivers or attendants shall be considered as acting in the performance and within the scope of their duties outside of the corporate limits of their respective county, city, or village only if officially directed to do so, (h) before such volunteer ambulance drivers or attendants shall be entitled to benefits under the Nebraska Workers' Compensation Act, they shall be confirmed to perform such duties by the county board or the governing body of the city or village or combination thereof, as the case may be, and upon such confirmation shall be deemed employees of the county, city, or village or combination thereof and may be removed by majority vote of such county board or governing body of the city or village, (i) members of a law enforcement reserve force appointed in accordance with section 81-1438 shall be deemed employees of the county or city for which they were appointed, and (j) any inmate working for the Department of Correctional Services pursuant to section 81-1827 shall be deemed an employee of the Department of Correctional Services solely for purposes of the Nebraska Workers' Compensation Act; and

(2) Every person in the service of an employer who is engaged in any trade, occupation, business, or profession as described in section 48-106 under any contract of hire,

expressed or implied, oral or written, including aliens and also including minors, who for the purpose of making election of remedies under the Nebraska Workers' Compensation Act shall have the same power of contracting and electing as adult employees.

As used in subdivisions (1) and (2) of this section, the terms employee and worker shall not be construed to include any person whose employment is not in the usual course of the trade, business, profession, or occupation of his or her employer.

If an employee subject to the Nebraska Workers' Compensation Act suffers an injury on account of which he or she or, in the event of his or her death, his or her dependents would otherwise have been entitled to the benefits provided by such act, the employee or, in the event of his or her death, his or her dependents shall be entitled to the benefits provided under such act, if the injury or injury resulting in death occurred within this state, or if at the time of such injury (a) the employment was principally localized within this state, (b) the employer was performing work within this state, or (c) the contract of hire was made within this state.

(3) Every executive officer of a corporation elected or appointed under the provisions or authority of the charter, articles of incorporation, or bylaws of such corporation shall be an employee of such corporation under the Nebraska Workers' Compensation Act, except that an executive officer of a Nebraska corporation who owns twenty-five percent or more of the common stock of such corporation may waive his or her right to coverage. Such waiver shall be in writing and filed with the secretary of the corporation and the Nebraska Workers' Compensation Court. Such waiver, as prescribed by the compensation court, shall include a statement in substantially the following form: Notice. I am aware that health and accident insurance policies frequently exclude coverage for personal injuries caused by accident or occupational disease arising out of and in the course of employment. Before waiving my rights to coverage under the Nebraska Workers' Compensation Act, I certify that I have carefully examined the terms of my health and accident coverage. Such waiver shall become effective from the date of receipt by the compensation court and shall remain in effect until the waiver is terminated by the officer in writing and filed with the secretary of the corporation and the compensation court. The termination of the corporate executive officer's waiver shall be effective upon receipt of the termination by the compensation court. It shall not be permissible to terminate a waiver prior to one year after the waiver has become effective.

(4) Each individual employer, partner, member, or self-employed person who is actually engaged in the individual employer's, partnership's, limited liability company's, or self-employed person's business on a substantially full-time basis may elect to bring himself or herself within the provisions of the Nebraska Workers' Compensation Act, if he or she (a) files with his or her current workers' compensation insurer written notice of election to have the same rights as an employee only for purposes of workers' compensation insurance coverage acquired by and for such individual employer, partner, member, or self-employed person or (b) gives notice of such election and such insurer collects a premium for such coverage acquired by and for such individual employer, partner, member, or self-employed person. This election shall be effective from the date of receipt by the insurer for the current policy and subsequent policies issued by such insurer until such time as such employer, partner, member, or self-employed person files a written statement withdrawing such election with the current workers' compensation insurer or until such coverage by such insurer is terminated, whichever occurs first. When so included, the individual employer, partner, member, or self-employed person shall have the same rights as an employee only with respect to the benefits provided under the Nebraska Workers' Compensation Act. If any individual employer, partner, member, or self-employed person who is actually engaged in the individual employer's, partnership's, limited liability company's, or self-employed person's business on a substantially full-time basis has not elected to bring himself or herself within the provisions of the Nebraska Workers' Compensation Act pursuant to this subdivision and any health, accident, or other insurance policy issued to or renewed by such person after July 10, 1984, contains an exclusion of coverage, if the insured is otherwise entitled to workers' compensation coverage, such exclusion shall be null and void as to such person.

(5) Every person who delivers or distributes newspapers for any person who owns or operates a newspaper business shall be deemed an employee for purposes of the Nebraska Workers' Compensation Act. For purposes of this subdivision, person shall not include common or contract motor carriers.".

2. On page 5, line 10, strike "is" and insert "and section 48-115, Revised Statutes Supplement, 1993, are".

3. Renumber the remaining sections accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LB 942 in the Journal. No objections. So ordered.

AM3334

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 1207 in the Journal. No objections. So ordered.

AM3316

(Amendments to Standing Committee amendments, AM3115)

1. On page 1, line 3, after the second period insert "(1)"; after line 17 insert the following new subsection:

"(2) This section shall not apply to any sanitary and improvement district organized prior to January 1, 1994, pursuant to Chapter 31, article 7."; and in line 18 before "For" insert "(3)".

Mrs. Hudkins asked unanimous consent to print the following amendment to LB 907 in the Journal. No objections. So ordered.

AM3177

1. Strike original section 1 and insert the following new sections:

"Section 1. That section 28-907, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-907. (1) A person commits the offense of false reporting if he or she:

(a) Furnishes information he or she knows to be false to any peace officer; any governmental ~~or other~~ official, department, agency, or commission; or any political subdivision with the intent to instigate an investigation ~~of an alleged criminal matter~~ or to impede ~~the~~ an ongoing investigation; or ~~of an actual criminal matter; or~~

(b) Furnishes information he or she knows to be false alleging the existence of an emergency in which human life or property are in jeopardy to any hospital, ambulance company, or other person or governmental agency which deals with emergencies involving danger to life or property;

(c) Furnishes any information, or causes such information to be furnished or conveyed by electric, electronic, telephonic, or mechanical means, knowing the same to be false concerning the need for assistance of a fire department or any personnel or equipment of such department; or

(d) Furnishes any information he or she knows to be false concerning the location of any explosive in any building or other property to any person.

(2) Any person found guilty of the offense of false reporting may be ordered to pay restitution to the employer of the person who conducted the investigation for all costs incurred in conducting the investigation.

(3) False reporting is a Class I misdemeanor.

Sec. 2. That original section 28-907, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Messrs. Avery, Ashford, and Mrs. Robak asked unanimous consent to print the following amendment to LB 988 in the Journal. No objections. So ordered.

AM3313

(Amendments to E & R amendment, AM5659)

1. Insert the following new section:

"Sec. 4. That section 28-1204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1204. (1) For purposes of this section:

(a) Adult shall mean an individual who is at least nineteen years of age;

(b) Handgun shall mean any firearm with a barrel less than sixteen inches in length or any firearm designed to be held and fired by the use of a single hand; and

(c) Parent or legal guardian shall mean a parent or legal guardian who is at least nineteen years of age and who may legally possess a handgun.

(2) Any person under the age of eighteen years who possesses a ~~pistol, revolver, or any other form of short-barreled hand firearm~~ handgun commits the offense of unlawful possession of a ~~revolver~~ handgun.

~~(2) The provisions of this~~ (3) This section shall not apply to ~~the issuance of such firearms to members~~ any person under the age of eighteen years who is:

(a) A member of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps, when on duty or training;

(b) In attendance at a hunter's safety course or a handgun safety course;

(c) Engaging in practice in the use of a handgun or target shooting with direct, qualified adult supervision at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a handgun is not prohibited;

(d) Engaging in an organized competition involving the use of a handgun with direct, qualified adult supervision or participating in or practicing for a performance by any

nonprofit organization holding a certificate of exemption under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which organization uses handguns as a part of such performance;

(e) Hunting or trapping or performing other acts preparatory to or in conjunction with hunting or trapping with direct, qualified adult supervision and a valid permit or hunter safety certificate of competency issued to such person pursuant to the Game Law;

(f) Traveling by the most direct route on the nearest highway, with any handgun in such person's possession unloaded, to or from any activity described in subdivision (b), (c), (d), (e), or (g) of this subsection if such person is at least sixteen years of age. Such person must have in his or her possession proof of enrollment in any activity described in subdivisions (b), (c), (d), (e), or (g) of this subsection. For purposes of this subdivision, a handgun is unloaded if:

(i) There is not a cartridge in the chamber of the handgun or there is not a cartridge in the cylinder of a revolver;

(ii) All ammunition has been removed from the handgun and, if contained in a clip or magazine, the clip or magazine has been removed from the handgun; and

(iii) All ammunition is secured in a place not immediately accessible to the person; or

(g) In possession of a handgun at or on another person's real property with (i) the permission of the person in charge of the real property, (ii) the permission of such person's parent or legal guardian to possess a handgun for any lawful use as enumerated in subdivisions (b) through (e) of this subsection, and (iii) the direct, qualified supervision of an adult who may legally possess a handgun. ~~, or to the temporary loan of pistols, revolvers, or any other form of short barreled firearms for instruction under the immediate supervision of a parent or guardian or adult instructor.~~

~~(3)~~ (4) Unlawful possession of a ~~revolver~~ handgun is a Class ~~III~~ I misdemeanor.".

2. On page 3, line 7, strike beginning with "other" through "28-1204"; and strike lines 17 and 18 and insert the following new subsection:

"(3) If the firearm is a handgun as defined in section 28-1204, it shall be an unlawful transfer of a firearm to a juvenile if such handgun is transferred pursuant to subsection (2) of this section for any purpose other than those purposes provided for in subsection (3) of section 28-1204.".

3. On page 43, line 21, after the first comma insert "28-1204,".

4. Renumber the remaining sections and correct internal references accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1061A. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1993, LB 841A, section 2; to change appropriations to aid in carrying out the provisions of Legislative Bill 1061, Ninety-third Legislature, Second Session, 1994; and to repeal the original section.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 1302. Placed on General File as amended.
Standing Committee amendment to LB 1302:
AM3303

1. On page 5, line 2, strike "IV felony" and insert "II misdemeanor".

LEGISLATIVE BILL 1327. Placed on General File as amended.
Standing Committee amendment to LB 1327:
AM3336

1. Strike the original sections and insert the following new sections:

"Section 1. That section 29-2257, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2257. The Nebraska Probation System is established which shall consist of the probation administrator, chief probation officers, probation officers, and support staff. The system shall be responsible for presentence and other probation investigations and for the direct supervision of persons placed on probation. The system shall be sufficient in size to assure that no probation officer carries a caseload larger than is compatible with adequate probation investigation or supervision. Probation officers shall be compensated with salaries substantially equal to other state employees who have similar responsibilities.

Sec. 2. That original section 29-2257, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Dierks asked unanimous consent to have his name added as cointroducer to LB 72. No objections. So ordered.

Mr. Fisher asked unanimous consent to have his name added as cointroducer to LB 1067. No objections. So ordered.

Mr. Lindsay asked unanimous consent to have his name added as cointroducer to LB 1074. No objections. So ordered.

VISITORS

Visitors to the Chamber were Leo Newell from Gering; Bernice Russell and Sandy White from Sidney; and Kathleen Steele.

The Doctor of the Day was Dr. Strohmyer from Papillion.

ADJOURNMENT

At 12:18 p.m., on a motion by Mrs. McKenzie, the Legislature adjourned until 9:00 a.m., Thursday, February 24, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTIETH DAY - FEBRUARY 24, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 24, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

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

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beutler, Bromm, Byars, Coordsen, Haberman, Kristensen, Landis, Lindsay, Lynch, Matzke, Robinson, Warner, Will, Mmes. Bohlke, Hillman, Pirsch, Mses. Day, and Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 665. Placed on Select File as amended.
E & R amendment to LB 665:
AM5675

1. On page 1, strike beginning with "adopt" in line 1 through line 2 and insert "state intent; to define terms; to authorize the award of damages, costs, and attorney's fees in actions involving public petition and participation as prescribed; to provide procedures relating to such actions; and to declare an emergency.".

2. In the Lynch-Lindsay amendment, AM2690:

a. On page 2, line 14, after "for" insert "costs," and strike "and costs" and insert a comma.

b. On page 4, line 10, strike "where" and insert "if".

Correctly Engrossed

The following bills were correctly engrossed: 379, 414, and 594.

Enrollment and Review Change to LB 379

The following changes, required to be reported for publication in the Journal, have been made:
ER7413

1. On page 1, line 3, "and the limitation of prosecution" has been inserted after "prosecution"; and the matter beginning with the first "to" in line 4 through the first semicolon in line 5 has been struck.

Enrollment and Review Change to LB 414

The following changes, required to be reported for publication in the Journal, have been made:
ER7414

1. In the E & R amendment, AM5631:

a. On page 15, line 25, "74-724" has been struck and "74-424" inserted; and

b. On page 16, line 11, "and" has been inserted after the last comma.

2. On page 17, line 2, "(1)" has been struck and "(a)" inserted; and in line 4 "(2)" has been struck and "(b)" inserted.

3. On page 39, line 2, the comma has been struck and shown as stricken.

4. On page 47, line 9, "such section" has been struck and "section 75-309" inserted.

5. On page 77, line 9, "tracks" has been struck, shown as stricken, and "track" inserted.

(Signed) Janis M. McKenzie, Chairperson

MOTION - Approve Appointment

Mr. Dierks moved the adoption of the report of the Agriculture Committee for the following Governor appointment found in the Journal on page 827: Dick R. Wagoner - Nebraska Dry Bean Commission.

Voting in the affirmative, 25:

Avery	Dierks	Hartnett	Moore	Schmitt
Bernard-Stevens	Elmer	Hudkins	Pedersen	Vrtiska
Chambers	Engel	Janssen	Preister	Wehrbein
Crosby	Fisher	Jones	Robak	Witek
Cudaback	Hall	Monen	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 5:

Ashford	McKenzie	Rasmussen	Wesely	Wickersham

Excused and not voting, 19:

Abboud	Byars	Hillman	Lynch	Schimek
Beutler	Coordsen	Kristensen	Matzke	Warner
Bohlke	Day	Landis	Pirsch	Will
Bromm	Haberman	Lindsay	Robinson	

The appointment was confirmed with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 988. E & R amendment, AM5659, printed separately from the Journal and referred to on page 754, was adopted.

Mr. Pedersen withdrew his pending amendment, AM3126, found in the Journal on page 693.

Messrs. Pedersen and Chambers renewed their pending amendment, AM3254, found in the Journal on page 783.

MR. HALL PRESIDING

Mr. Coordsen and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bernard-Stevens moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

SPEAKER WITHEM PRESIDING

Mrs. Witek requested a roll call vote on the Pedersen-Chambers amendment.

Mr. Lindsay moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 20 not voting.

Voting in the affirmative, 39:

Ashford	Chambers	Hartnett	Matzke	Schellpeper
Avery	Crosby	Hillman	Monen	Schmitt
Bernard-Stevens	Cudaback	Hudkins	Pedersen	Vrtiska
	Day	Janssen	Pirsch	Wehrbein
Beutler	Dierks	Jones	Preister	Wesely
Bohlke	Elmer	Landis	Rasmussen	Wickersham
Bromm	Engel	Lindsay	Robak	Will
Byars	Hall	Lynch	Robinson	Withem

Voting in the negative, 5:

Fisher	Haberman	Moore	Warner	Witek

Present and not voting, 2:

Kristensen Schimek

Excused and not voting, 3:

Abboud Coordsen McKenzie

The Pedersen-Chambers amendment was adopted with 39 ayes, 5 nays, 2 present and not voting, and 3 excused and not voting.

Pending.

The Chair declared the call raised.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of Governor appointments.

French, Janet - Nebr. Advisory Commission on Compulsive Gambling -- General Affairs

Guilfoyle, Lynn P. - Nebr. Advisory Commission on Compulsive Gambling -- General Affairs

Hammond, Deb - Nebr. Advisory Commission on Compulsive Gambling -- General Affairs

Hill, Barbara - Nebr. Advisory Commission on Compulsive Gambling -- General Affairs

McGill, Frank - Nebr. Advisory Commission on Compulsive Gambling -- General Affairs

Richardson, Harry - Nebraska Arts Council -- General Affairs

Schaefer, Tom D. - Nebr. Advisory Commission on Compulsive Gambling -- General Affairs

Scott, Vernon L. - Nebr. Advisory Commission on Compulsive Gambling -- General Affairs

Shybut, Dr. John - Nebr. Advisory Commission on Compulsive Gambling -- General Affairs

Stalker, Dick - Nebr. Advisory Commission on Compulsive Gambling -- General Affairs

Wellman, Michael - Nebr. Advisory Commission on Compulsive Gambling -- General Affairs

Williams, Rev. William M., Jr. - Nebr. Advisory Commission on Compulsive Gambling -- General Affairs

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

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 1298. Placed on General File.

LEGISLATIVE BILL 1169. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

General Affairs

LEGISLATIVE RESOLUTION 293CA. Placed on General File.

LEGISLATIVE BILL 1292. Placed on General File as amended.
Standing Committee amendment to LB 1292:
AM3332

1. Insert the following new section:

"Sec. 3. That section 53-194.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-194.03. (1) It shall be unlawful for any person to transport, import, bring, ship, or cause to be transported, imported, brought, or shipped into the State of Nebraska for

the personal use of the possessor, his or her family, or guests a quantity of alcoholic liquor in excess of ~~one gallon at any one time or in excess of two gallons~~ nine liters in any one calendar month.

(2) Alcoholic liquor transported, imported, brought, or shipped into the State of Nebraska in violation of this section shall be seized by the commission and disposed of in the manner provided for contraband. Any person violating this section shall be guilty of a Class IV misdemeanor.".

2. On page 2, line 16, after "original" insert "section 53-194.03, Reissue Revised Statutes of Nebraska, 1943, and "; and in line 17 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 1057. Indefinitely postponed.

(Signed) Stan Schellpeper, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 1126. Placed on General File.

LEGISLATIVE BILL 1304. Indefinitely postponed.
LEGISLATIVE BILL 1341. Indefinitely postponed.

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 741 in the Journal. No objections. So ordered.

AM3201

(Amendments to Final Reading copy)

1. On page 1, line 7, after the semicolon insert "to create a fund and provide for its use;".

2. On page 7, line 1, after "Fund" insert ", except that two cents of the tax per gallon on all beer, ten cents of the tax per gallon on wine containing not more than fourteen percent but not less than five-tenths of one percent of alcohol by volume, fifteen cents of the tax per gallon on wines and other dilute alcoholic beverages containing more than fourteen percent of alcohol by volume, and thirty cents of the tax per gallon on alcohol and spirits shall be credited to the Alcoholism and Drug Abuse Treatment and Rehabilitation Cash Fund, which fund is hereby created. The Department of Public Institutions shall administer the fund for the purpose of carrying out the Division on Alcoholism and Drug Abuse Act. The fund shall be used to provide enhanced funding to existing

alcohol and other substance abuse treatment and rehabilitation programs. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276".

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 102 in the Journal. No objections. So ordered.

AM3383

1. Strike the original sections and insert the following new sections:

"Section 1. That section 2-1203, Revised Statutes Supplement, 1992, be amended to read as follows:

2-1203. The State Racing Commission shall have power to prescribe and enforce rules and regulations governing horseraces and race meetings licensed as provided in sections 2-1201 to 2-1242. Such rules and regulations shall contain criteria to be used by the commission for decisions on approving and revoking track licenses and licenses for teleracing facilities and telephonic wagering and setting racing dates.

The commission may revoke or suspend licenses issued to racing industry participants and may, in lieu of or in addition to such suspension or revocation, impose a fine in an amount not to exceed one thousand dollars upon a finding that a rule or regulation has been violated by a licensed racing industry participant. The exact amount of the fine shall be proportional to the seriousness of the violation and the extent to which the licensee derived financial gain as a result of the violation. All fines shall be paid into a fund for alcohol and drug rehabilitation services for horseracing industry participants, which fund is hereby created.

The commission may delegate to a board of stewards such of the commission's powers and duties as may be necessary to carry out and effectuate the purposes of such sections. Any decision or action of such board of stewards may be appealed to the commission or reviewed by the commission on its own initiative.

Sec. 2. That section 2-1203.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1203.02. Any person applying for or holding a license to participate in or be employed at a horserace meeting licensed by the State Racing Commission shall be subject to fingerprinting and a check of his or her criminal history record information maintained by the Identification Division of the Federal Bureau of Investigation for the purpose of determining whether the commission has a basis to deny the license application or to suspend, cancel, or revoke the person's license, except that the commission shall not

require a person to be fingerprinted if such person has been previously fingerprinted in connection with a license application in this state or any other state within the last five years prior to the application for such license. Any person involved in the administration or management of a racetrack, including the governing body, shall be subject to fingerprinting and a check of his or her criminal history record information maintained by the Identification Division of the Federal Bureau of Investigation. The applicant, licensee, or person involved in the administration or management of a racetrack shall pay the actual cost of any fingerprinting or check of his or her criminal history record information. The requirements of this section shall not apply to employees of ~~food or drink~~ concessions who do not work in restricted-access areas, ~~and~~ admissions employees whose duties involve only admissions ticket sales and verification or parking receipts sales and verification, and medical or emergency services personnel authorized to provide care at the racetrack.

Sec. 3. That section 2-1207, Revised Statutes Supplement, 1993, be amended to read as follows:

2-1207. (1) Within the enclosure of any racetrack where a race or race meeting licensed and conducted under sections 2-1201 to 2-1218 is held or at a racetrack licensed to simulcast races or conduct interstate simulcasting, the parimutuel method or system of wagering on the results of the respective races may be used and conducted by the licensee. Wagers placed through licensed teleracing facilities or by approved telephonic wagering as authorized by sections 2-1230 to 2-1242 shall be deemed to be wagers placed and accepted within the enclosure of any racetrack. Under such system, the licensee may receive wagers of money from any person present at such race or racetrack receiving the simulcast race or conducting interstate simulcasting or placed through a licensed teleracing facility or by approved telephonic wagering by any person who may legally wager on any horse in a race selected by such person to run first in such race, and the person so wagering shall acquire an interest in the total money so wagered on all horses in such race as first winners in proportion to the amount of money wagered by him or her. Such licensee shall issue to each person so wagering a certificate on which shall be shown the number of the race, the amount wagered, and the number or name of the horse selected by such person as first winner. As each race is run, at the option of the licensee, the licensee may deduct from the total sum wagered on all horses as first winners not less than fifteen percent or more than eighteen percent from such total sum, plus the odd cents of the redistribution over the next lower multiple of ten. At the option of the licensee,

the licensee may deduct up to and including ~~twenty-three~~ twenty-four percent from the total sum wagered by exotic wagers as defined in section 2-1208.03. The commission may authorize other levels of deduction on wagers conducted by means of interstate simulcasting. The licensee shall notify the State Racing Commission in writing of the percentages the licensee intends to deduct during the live race meet conducted by the licensee and shall notify the commission at least one week in advance of any changes to such percentages the licensee intends to make. The licensee shall also deduct from the total sum wagered by exotic wagers, if any, the tax plus the odd cents of the redistribution over the next multiple of ten as provided in subsection (1) of section 2-1208.04. The balance remaining on hand shall be paid out to the holders of certificates on the winning horse in the proportion that the amount wagered by each certificate holder bears to the total amount wagered on all horses in such race to run first. The licensee may likewise receive such wagers on horses selected to run second, third, or both, or in such combinations as the commission may authorize, the method, procedure, and authority and right of the licensee, as well as the deduction allowed to the licensee, to be as specified with respect to wagers upon horses selected to run first.

(2) At all race meets held pursuant to this section, the licensee shall deduct from the total sum wagered one-third of the amount over fifteen percent deducted pursuant to subsection (1) of this section on wagers on horses selected to run first, second, or third and one percent of all exotic wagers to be used to promote agriculture and horse breeding in Nebraska and for the support and preservation of horseracing pursuant to section 2-1207.01.

(3) No ~~minor~~ person under nineteen years of age shall be permitted to make any parimutuel wager, and there shall be no wagering except under the parimutuel method outlined in this section. Any person, association, or corporation who knowingly aids or abets a ~~minor~~ person under nineteen years of age in making a parimutuel wager shall be guilty of a Class IV misdemeanor.

Sec. 4. That section 2-1208, Revised Statutes Supplement, 1992, be amended to read as follows:

2-1208. For all race meetings, ~~devoted principally to running races,~~ every corporation or association licensed under the provisions of sections 2-1201 to 2-1218 shall pay the tax imposed by section 2-1208.01 and shall also pay to the State Racing Commission the sum of thirty cents for each person entering the grounds or enclosure of the licensee upon a ticket of admission. If tickets are issued good for more than one day, then the sum of thirty cents shall be paid for each person using such ticket on each day that the same is

used. If any free passes or complimentary admission tickets are issued, the licensee shall pay the same tax upon such passes or complimentary tickets as if the same were sold at the regular and usual admission rate, but nothing in this section shall be construed to prohibit the issuance of tax-free passes to actual and necessary officials and employees of the licensee or other persons actually working at such racetrack. The issuance of all such tax-free passes shall be under the regulations or orders of the commission, and a list of all persons to whom such tax-free passes are issued shall be filed with the commission. For race meetings devoted principally to running live races, the licensee shall pay to the commission the sum of fifty dollars for each live racing day that the licensee serves as the host track for intrastate simulcasting and twenty-five dollars for any other live racing day. ~~four hundred dollars for each racing day of each horserace meeting if the racetrack within which such races are conducted is located in a county of two hundred thousand population or more, in counties of more than seventy-five thousand but less than two hundred thousand population, the licensee shall pay to the commission the sum of one hundred dollars for each racing day, and in counties of not more than seventy-five thousand population, the licensee shall pay to the commission the sum of thirty dollars for each racing day. For race meetings devoted exclusively to harness races or at which the majority of the races conducted each day are harness races, every corporation or association licensed under the provisions of sections 2-1201 to 2-1218 shall pay to the State Racing Commission, for each racing day of each horserace meeting for which a license has been issued, license fees in the amount of only one-fourth of the daily fees respectively prescribed in this section for running race meetings, graduated pursuant to this section in accordance with the population of the county in which the race meeting is conducted.~~

No other license tax, permit tax, occupation tax, or excise tax or racing fee, except as provided in this section and in sections 2-1203, 2-1208.01, and 2-1242, shall be levied, assessed, or collected from any such licensee by the state or by any county, township, district, city, village, or other governmental subdivision or body having power to levy, assess, or collect any such tax or fee.

Sec. 5. That section 2-1209, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1209. Out of the funds received pursuant to section 2-1208, the expenses of the commissioners, the compensation and reasonable expenses of the secretary, assistants, and employees, ~~and their reasonable expenses,~~ and the other reasonable expenses of the commission, including

suitable furniture, equipment, supplies, and office expense, shall first be paid. ~~, and the commission shall retain in its hands the further sum of five thousand dollars as a permanent fund out of which to pay its current expenses. No sums shall be paid out by the commission except the same be regularly audited and allowed and the allowance thereof recorded in the minutes of its meetings, and a voucher therefor be signed by its chairman and secretary~~ The commission shall maintain a reserve fund balance which shall not exceed ten percent of the appropriation for the commission for the calendar year. If the commission has unexpended funds in excess of its appropriation and authorized reserve fund balance at the end of the calendar year, such funds shall be credited to the General Fund. Sums paid out by the commission shall be subject to the general policy for disbursement of funds by agencies of the state, including regular audit.

Sec. 6. That section 2-1211, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1211. Every corporation or association licensed under sections 2-1201 to 2-1218 shall so keep its books and records as to clearly show the ~~total number of admissions to races conducted by it on each racing day, including the number of admissions upon free passes or complimentary tickets, and the amount received daily from admission fees and the~~ total amount of money wagered during the race ~~meet,~~ meeting, including wagers at locations to which its races were simulcast and at races which it received via simulcast from other racetracks, and shall furnish to the commission such reports and information as it may require with respect thereto. At the end of each race ~~meet~~ meeting, the licensee shall furnish to the commission and the Governor a complete audit by a certified public accountant detailing all expenses and disbursements. Such audit shall be in the form specified by the commission and shall be filed on or before February 1 following such meet.

Sec. 7. This act shall become operative on May 1, 1994.

Sec. 8. That original sections 2-1203.02, 2-1209, and 2-1211, Reissue Revised Statutes of Nebraska, 1943, sections 2-1203 and 2-1208, Revised Statutes Supplement, 1992, and section 2-1207, Revised Statutes Supplement, 1993, and also section 2-1210, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

RESOLUTION

LEGISLATIVE RESOLUTION 320. Introduced by Byars, 30; Wesely, 26; Chambers, 11; Haberman, 44; Pirsch, 10; Beutler, 28; Landis, 46; Warner, 25.

WHEREAS, Ray Wilson served as Chief Sergeant at Arms for the Nebraska Legislature from 1967 through 1983; and

WHEREAS, Ray Wilson served prior to that time as Assistant Sergeant at Arms for two years; and

WHEREAS, Ray Wilson fulfilled his responsibilities with the Nebraska Legislature with dignity and decorum; and

WHEREAS, Ray Wilson had a long and distinguished history of service to his community; and

WHEREAS, Ray Wilson died on Friday, February 18, 1994.

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

1. That the Legislature acknowledges the public service that Ray Wilson gave to his state.

2. That the Legislature extends its sympathy to the family of Ray Wilson.

3. That a copy of this resolution be sent to Ray Wilson's family.

Laid over.

SELECT FILE

LEGISLATIVE BILL 988. Mr. Chambers asked unanimous consent to replace his pending amendment, AM3289, found in the Journal on page 798, with a substitute amendment. No objections. So ordered.

Mr. Chambers withdrew his pending amendment, AM3289, found in the Journal on page 798.

Mr. Chambers offered the following substitute amendment:
AM3370

(Amendments to E & R amendments, AM5659)

1. Strike sections 6, 7, 39, and 40, and all amendments thereto and insert the following new sections:

"Sec. 6. That section 28-1501, Revised Statutes Supplement, 1993, be amended to read as follows:

28-1501. (1) There is hereby established a task force consisting of the following members:

(a) The chairpersons of the Appropriations Committee and the Judiciary Committee of the Legislature;

(b) Two members of the Legislature appointed by the chairperson of the Executive Board of the Legislative Council in addition to the chairpersons listed in subdivision (a) of this subsection;

(c) The Director of Correctional Services or his or

her designee;

(d) The Attorney General or his or her designee;

(e) The chairperson of the Board of Parole; and

(f) The members appointed by the Governor under subsection (2) of this section.

(2) The task force shall include the following members appointed by the Governor:

(a) One member of the Crime Victim's Reparations Committee;

(b) One judge of the district court;

(c) One county attorney or former county attorney;

(d) One public defender or one former public defender; and

(e) One probation officer.

(3) The chairperson of the Judiciary Committee of the Legislature shall be the chairperson of the task force. Members of the task force shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as provided in sections 81-1174 to 81-1177. Members described in subsection (2) of this section shall be appointed by the Governor within thirty days after June 11, 1993. The task force shall cease to exist on December 31, 1994.

(4) The task force shall investigate the impact on crime rates and prison populations and the fiscal requirements to carry out the policies proposed in Legislative Bill 627 as introduced in the Ninety-third Legislature, First Session, 1993, and the report of the Governor's Task Force on Prison Alternatives and the recommendations contained in the report. The investigation shall include, but not be limited to, an assessment of mandatory minimum sentencing, drug-free zones, ~~boot camps,~~ elimination of probation and parole, and the increase of penalties for certain crimes. The task force shall also review the recommendations of the Governor's Task Force on Prison Alternatives, including the role of community corrections, intensive probation, and parole and increased availability of education and treatment.

Sec. 7. That section 29-2204, Revised Statutes Supplement, 1993, be amended to read as follows:

29-2204. (1) Except as provided in subsection ~~(4)~~ (3) of this section and except when a term of life is required by law, in imposing an indeterminate sentence upon an offender, the court shall:

(a) Fix the minimum and maximum limits of the sentence to be served within the limits provided by law, except that when a maximum limit of life is imposed by the court for a Class IB felony, the minimum limit may be any term of years not less than the statutory mandatory minimum;

(b) Advise the offender on the record the time the offender will serve on his or her minimum term before

attaining parole eligibility assuming that no good time for which the offender will be eligible is lost; and

(c) Advise the offender on the record the time the offender will serve on his or her maximum term before attaining mandatory release assuming that no good time for which the offender will be eligible is lost.

If any discrepancy exists between the statement of the minimum limit of the sentence and the statement of parole eligibility or between the statement of the maximum limit of the sentence and the statement of mandatory release, the statements of the minimum limit and the maximum limit shall control the calculation of the offender's term. If the court imposes more than one sentence upon an offender or imposes a sentence upon an offender who is at that time serving another sentence, the court shall state whether the sentences are to be concurrent or consecutive.

(2)(a) When the court is of the opinion that imprisonment may be appropriate but desires more detailed information as a basis for determining the sentence to be imposed than has been provided by the presentence report required by section 29-2261, the court shall commit an offender to the Department of Correctional Services for a period not exceeding ninety days. The department shall conduct a complete study of the offender during that time, inquiring into such matters as his or her previous delinquency or criminal experience, social background, capabilities, and mental, emotional, and physical health and the rehabilitative resources or programs which may be available to suit his or her needs. By the expiration of the period of commitment or by the expiration of such additional time as the court shall grant, not exceeding a further period of ninety days, the offender shall be returned to the court for sentencing and the court shall be provided with a written report of the results of the study, including whatever recommendations the department believes will be helpful to a proper resolution of the case. After receiving the report and the recommendations, the court shall proceed to sentence the offender in accordance with subsection (1) of this section. The term of the sentence shall run from the date of original commitment under this subsection.

(b) In order to encourage the use of this procedure in appropriate cases, all costs incurred during the period the defendant is held in a state institution under this subsection shall be a responsibility of the state and the county shall be liable only for the cost of delivering the defendant to the institution and the cost of returning him or her to the appropriate court for sentencing or such other disposition as the court may then deem appropriate.

(3) ~~(a) Commencing July 1, 1996, when the court is of~~

~~the opinion that imprisonment may be appropriate, but that a brief and intensive period of incarceration may serve the interests of society by promoting the rehabilitation of the offender and by deterring the offender from engaging in further criminal activity, the court may commit an offender to the Department of Correctional Services for a period not exceeding one hundred eighty days for placement in a regimented inmate discipline unit followed by one year of intense parole supervision. The court may consider such commitment if the offender (i) has been found guilty of a nonviolent crime, (ii) is seventeen years of age or older but younger than twenty-five years and has no physical or mental handicap that precludes strenuous physical activity, and (iii) has never before been sentenced to a period of incarceration for a felony offense in this or any other state or federal jurisdiction.~~

~~(b) Upon successful completion of the term of commitment, the offender shall be placed under the jurisdiction of the Board of Parole for a period of one year. All provisions of Chapter 83, article 1, relating to parole, except eligibility for parole, shall apply to the offender. If the parole of the offender is revoked, the offender shall be returned to the sentencing court for resentencing on the original conviction.~~

~~(c) If the offender for any reason fails to complete the program of regimented inmate discipline, the offender shall immediately be returned to the sentencing court for resentencing on the original conviction. Credit shall be given for time actually served in the program.~~

~~(d) All costs incurred during the period the offender is held in a regimented inmate discipline unit shall be the responsibility of the state, and the county shall be liable only for the cost of returning him or her to the appropriate court for resentencing or such other disposition as the court may then deem appropriate.~~

~~(4)~~ Whenever the defendant was under eighteen years of age at the time he or she committed the crime for which he or she was convicted, the court may in its discretion, instead of imposing the penalty provided for the crime, make such disposition of the defendant as the court deems proper under the Nebraska Juvenile Code.".

2. On page 43, line 25, after "sections" insert "28-1501,"; and in line 27 strike "83-4,140, 83-4,141,".

3. On page 44, line 4, strike "83-925 to 83-928" and insert "83-4,140, 83-4,141, 83-925 to 83-928,".

4. Renumber the remaining sections accordingly.

The Chambers amendment was adopted with 28 ayes, 1 nay, 18 present and not voting, and 2 excused and not voting.

Mr. Avery asked unanimous consent to replace the Avery-Ashford-Robak pending amendment, AM3313, found in the Journal on page 835, with a substitute amendment. No objections. So ordered.

Messrs. Avery, Ashford, and Mrs. Robak withdrew their pending amendment, AM3313, found in the Journal on page 835.

Messrs. Hall, Avery, Pedersen, and Mrs. Hillman offered the following substitute amendment:
AM3391

(Amendments to E & R amendment, AM5659)

1. On page 16, strike beginning with "All" in line 22 through "state" in line 25 and insert "All costs incurred during the period in which the juvenile is being evaluated shall be the responsibility of the state".

The Hall et al. amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

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

Mr. Beutler withdrew his pending amendment, FA339, found in the Journal on page 567.

Mr. Bernard-Stevens offered the following amendment:
AM3386

(Amendments to E & R amendment, AM5659)

1. On page 18, line 1, strike "on or before" and insert "no sooner than thirty days prior to".

The Bernard-Stevens amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Lindsay offered the following amendment:
AM3371

(Amendments to E & R amendment AM5659)

1. On page 3, line 5, after the period insert "The county attorney shall have a copy of the petition served upon the owner of the firearm, if known, in person or by registered or certified mail at his or her last-known address.".

The Lindsay amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Chambers offered the following amendment:
FA379

Amend AM5659
Page 3, line 25, strike "shall be" and insert "is"
Page 4, line 8, after "possessed", insert, "in violation of subsection (1) of this section"
Page 5, line 17, after first "from", insert "that of"

The Chambers amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Mr. Avery offered the following amendment:
AM4007

(Amendments to E & R amendments, AM5659)

1. Insert the following new section:

"Sec. 4. That section 28-1204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1204. (1) For purposes of this section:

(a) Adult shall mean an individual who is at least nineteen years of age;

(b) Handgun shall mean any firearm with a barrel less than sixteen inches in length or any firearm designed to be held and fired by the use of a single hand; and

(c) Parent or legal guardian shall mean a parent or legal guardian who is at least nineteen years of age and who may legally possess a handgun.

(2) Any person under the age of eighteen years who possesses a ~~pistol, revolver, or any other form of short-barreled hand firearm~~ handgun commits the offense of unlawful possession of a ~~revolver~~ handgun.

~~(2) The provisions of this~~ (3) This section shall not apply to ~~the issuance of such firearms to members~~ any person under the age of eighteen years who is:

(a) A member of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps, when on duty or training;

(b) In attendance at a hunter's safety course or a handgun safety course;

(c) Engaging in practice in the use of a handgun or target shooting with direct, qualified adult supervision at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a handgun is not prohibited;

(d) Engaging in an organized competition involving the use of a handgun with direct, qualified adult supervision or participating in or practicing with direct, qualified adult supervision for a performance by any nonprofit organization holding a certificate of exemption under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which organization uses handguns as a part of such performance;

(e) Hunting or trapping or performing other acts

preparatory to or in conjunction with hunting or trapping with direct, qualified adult supervision and a valid permit or hunter safety certificate of competency issued to such person pursuant to the Game Law;

(f) Traveling by the most direct route on the nearest highway, with any handgun in such person's possession unloaded, to or from any activity described in subdivision (b), (c), (d), (e), or (g) of this subsection if such person is at least sixteen years of age. Such person must have in his or her possession proof of enrollment in any activity described in subdivisions (b), (c), or (d) of this subsection. For purposes of this subdivision, a handgun is unloaded if:

(i) There is not a cartridge in the chamber of the handgun or there is not a cartridge in the cylinder of a revolver;

(ii) All ammunition has been removed from the handgun and, if contained in a clip or magazine, the clip or magazine has been removed from the handgun; and

(iii) All ammunition is secured in a place not immediately accessible to the person; or

(g) In possession of a handgun at or on another person's real property for any lawful use as enumerated in subdivisions (b) through (e) of this subsection with (i) the permission of the person in charge of the real property, (ii) the permission of such person's parent or legal guardian to possess a handgun, and (iii) the direct, qualified supervision of an adult who may legally possess a handgun. ~~, or to the temporary loan of pistols, revolvers, or any other form of short barreled firearms for instruction under the immediate supervision of a parent or guardian or adult instructor.~~

~~(3)~~ (4) Unlawful possession of a ~~revolver~~ handgun is a Class ~~III~~ I misdemeanor.".

2. On page 3, line 7, strike beginning with "other" through "28-1204"; and strike lines 17 and 18 and insert the following new subsection:

"(3) If the firearm is a handgun as defined in section 28-1204, it shall be an unlawful transfer of a firearm to a juvenile if such handgun is transferred pursuant to subsection (2) of this section for any purpose other than those purposes provided for in subsection (3) of section 28-1204.".

3. On page 43, line 21, after the first comma insert "28-1204,".

4. Renumber the remaining sections and correct internal references accordingly.

Pending.

LEGISLATIVE BILL 436. E & R amendment, AM5635, found in the Journal on page 530, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 436A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1025. E & R amendment, AM5652, found in the Journal on page 686, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 876. Advanced to E & R for engrossment.
LEGISLATIVE BILL 877. Advanced to E & R for engrossment.
LEGISLATIVE BILL 878. Advanced to E & R for engrossment.

LEGISLATIVE BILL 978. E & R amendment, AM5656, found in the Journal on page 686, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 872. Advanced to E & R for engrossment.

LEGISLATIVE BILL 895. E & R amendment, AM5653, found in the Journal on page 687, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 918. E & R amendment, AM5654, found in the Journal on page 687, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 964. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1021. Advanced to E & R for engrossment.

LEGISLATIVE BILL 874. E & R amendment, AM5655, found in the Journal on page 687, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 925. E & R amendment, AM5657, found in the Journal on page 687, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 948. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1001. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1001A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1004. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1004A. Advanced to E & R for engrossment.

Mr. Vrtiska asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 621. E & R amendment, AM5658, found in the Journal on page 754, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 938. Advanced to E & R for engrossment.

LEGISLATIVE BILL 977. E & R amendment, AM5661, found in the Journal on page 771, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 123. E & R amendment, AM5663, found in the Journal on page 772, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 212. E & R amendment, AM5660, found in the Journal on page 772, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1005. Advanced to E & R for engrossment.
LEGISLATIVE BILL 892. Advanced to E & R for engrossment.
LEGISLATIVE BILL 899. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1026. Advanced to E & R for engrossment.

LEGISLATIVE BILL 930. E & R amendment, AM5662, found in the Journal on page 773, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 868. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1017. E & R amendment, AM5664, found in the Journal on page 778, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 889. Advanced to E & R for engrossment.

LEGISLATIVE BILL 971. E & R amendment, AM5666, printed separately from the Journal and referred to on page 801, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 883. E & R amendment, AM5667, found in the Journal on page 801, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 883A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 942. Mr. Landis withdrew his pending amendment, AM3334, found in the Journal on page 833.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 980. E & R amendment, AM5668, found in the Journal on page 802, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1015. Advanced to E & R for engrossment.

LEGISLATIVE BILL 967. E & R amendment, AM5669, found in the Journal on page 802, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 929. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1106. E & R amendment, AM5670, found in the Journal on page 802, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1106A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1116. Advanced to E & R for engrossment.

LEGISLATIVE BILL 211. E & R amendment, AM5634, printed separately from the Journal and referred to on page 530, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 211A. E & R amendment, AM5643, found in the Journal on page 530, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 611. E & R amendment, AM5636, found in the Journal on page 531, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 188. Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 694 in the Journal. No objections. So ordered.

AM3362

(Amendments to E & R amendment, AM5650)

1. On page 55, line 4, strike "or indirectly"; in line 6 strike "shall" and insert "may"; and strike beginning with the last comma in line 7 through "persons" in line 9 and insert "bingo. Such persons shall not".

Mrs. Bohlke asked unanimous consent to print the following amendment to LB 694 in the Journal. No objections. So ordered.

(Amendment, AM3395, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Withem asked unanimous consent to print the following amendment to LR 15CA in the Journal. No objections. So ordered.

AM3305

1. Strike sections 1 and 2 and all amendments thereto and insert the following new sections:

"Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article III, section 14:

III-14 'Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member. Before the vote is taken upon its final passage, the ~~, and the~~ bill and all amendments thereto shall be printed and ~~read at large before the vote is taken upon its final passage~~ (1) the bill shall be read at large or (2) a summary of the bill shall be presented and read at large if two-thirds of the members elected to the Legislature vote to waive the reading of the bill at large. No ~~such~~ vote upon the final passage of any bill shall be taken~~, however,~~ until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the ~~same~~ subject shall be clearly expressed in the title. ~~And no~~ No law shall be amended unless the new act shall

contain the section or sections as amended and the section or sections so amended shall be repealed. The Lieutenant Governor, or the Speaker if acting as presiding officer, shall sign, in the presence of the Legislature while the same is in session and capable of transacting business, all bills and resolutions passed by the Legislature.'.

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

'A constitutional amendment relating to the final reading of a bill to authorize the Legislature (1) to read the bill at large or (2) to present a summary of the bill which shall be read at large if two-thirds of the members elected to the Legislature vote to waive the reading of the bill at large.

For

Against'.".

Mr. Withem asked unanimous consent to print the following amendment to LB 1222 in the Journal. No objections. So ordered.

AM3373

1. Insert the following new section:

"Sec. 56. That section 44-4228, Revised Statutes Supplement, 1992, be amended to read as follows:

44-4228. (1) Pool coverage shall exclude charges or expenses incurred during the first six months following the effective date of coverage as to any condition (a) which had manifested itself during the six-month period immediately preceding the effective date of coverage in such a manner as would cause an ordinarily prudent person to seek diagnosis, care, or treatment or (b) for which medical advice, care, or treatment was recommended or received during the six-month period immediately preceding the effective date of coverage.

(2) Any person whose health coverage is involuntarily terminated on or after January 1, 1992, and who is not eligible for a conversion policy or a continuation-of-coverage policy or contract available under state or federal law may apply for pool coverage but shall submit proof of eligibility pursuant to section 44-4221. If such proof is supplied and if pool coverage is applied for under the Comprehensive Health Insurance Pool Act within sixty days after the involuntary termination and if premiums are paid to the pool for the entire coverage period, any waiting period or preexisting condition exclusions provided for under the pool shall be waived to the extent similar exclusions, if any, under the previous health coverage have been satisfied and the effective date of the pool coverage shall be the day

following termination of the previous coverage. The board may assess an additional premium for pool coverage provided pursuant to this subsection notwithstanding the premium limitations stated in section 44-4227. For purposes of this ~~subsection~~ section, a person whose health coverage is involuntarily terminated shall mean a person whose health insurance or health plan is terminated by reason of the withdrawal by the insurer from this state, bankruptcy or insolvency of the employer or employer trust fund, or cessation by the employer of providing any group health plan for all of its employees.

(3) Any person whose health coverage under a continuation-of-coverage policy or contract available under state or federal law terminates or is involuntarily terminated on or after July 1, 1993, for any reasons other than nonpayment of premium may apply for pool coverage but shall submit proof of eligibility applied for within ninety days after the termination or involuntary termination. If premiums are paid to the pool for the entire coverage period, the effective date of the pool coverage shall be the day following termination of the previous coverage under the continuation-of-coverage policy or contract. Any waiting period or preexisting condition exclusions provided for under the pool shall be waived to the extent similar exclusions, if any, under any prior health coverage have been satisfied.

(4) Subsection (1) of this section shall not apply to a person who has received medical assistance pursuant to section 43-522 or sections 68-1018 to 68-1025 or an organ transplant recipient terminated from coverage under medicare during the six-month period immediately preceding the effective date of coverage.

Sec. 62. That original section 44-4228, Revised Statutes Supplement, 1992, is repealed.

Sec. 63. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 44, line 17, after the period insert "Sections 47 and 61 of this act shall become operative three calendar months after the adjournment of this legislative session.".

3. Renumber the remaining sections and correct internal references accordingly.

Ms. Day asked unanimous consent to print the following amendment to LB 660 in the Journal. No objections. So ordered.

AM3379

1. Insert the following new section:

"Section 1. That section 71-6909, Revised Statutes

Supplement, 1992, be amended to read as follows:

71-6909. On or before October 1 of each school year, each school district shall provide written information to all students in grades seven through twelve explaining the provisions of section 71-6902 with regard to the requirements for parental notification as a condition for obtaining an abortion. The information shall also explain the provisions of sections 71-6903 and 71-6904 with regard to seeking a judicial waiver of the parental notification requirements. The provisions of this section shall be narrowly construed to require a school district to provide only the information specified in this section. The information shall be provided in substantially the following form:

The Nebraska Legislature has passed a bill that may impact you. If a woman under the age of eighteen who is not self-supporting or married becomes pregnant and decides to have an abortion in Nebraska, she will not be able to get an abortion without having one of her parents or her guardian notified of the pending abortion unless she appears before a judge and convinces the judge that she is mature and capable of giving informed consent to the proposed abortion or that the performance of the abortion without notification of one of her parents or guardian would be in her best interests. If the judge makes a decision unsatisfactory to the young woman, she may appeal the decision to the Nebraska Supreme Court. ~~The provisions of this section shall not be construed to require a school district to provide specific information regarding how students may implement the judicial bypass provisions of section 71-6903. The State Department of Education shall develop and distribute to all public schools a standardized information form which may be used to comply with this section. The standardized information form shall be approved by the State Board of Education following opportunity for public testimony at a public hearing of the board.~~".

2. On page 2, line 1, after "That" insert "original".

3. Renumber the remaining section accordingly.

Messrs. Ashford, Landis, and Hartnett asked unanimous consent to print the following amendment to LB 1174 in the Journal. No objections. So ordered.

AM4005

1. Insert the following new section:

"Sec. 2. That section 77-27,142, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,142. (1) Any incorporated municipality by ordinance of its governing body is hereby authorized to impose a sales and use tax of one-half percent, one percent, or one

and one-half percent upon the same transactions within such incorporated municipality on which the State of Nebraska is authorized to impose a tax pursuant to the Nebraska Revenue Act of 1967, as amended from time to time. No sales and use tax shall be imposed pursuant to this section until an election has been held and a majority of the qualified electors have approved such tax pursuant to sections 77-27,142.01 and 77-27,142.02.

(2) A city of the metropolitan class is hereby authorized to increase any city sales and use tax existing on January 1, 1978, imposed pursuant to this section by an amount not to exceed one-half of one percent if the question of such tax increase is submitted to the voters of such city and the voters by a majority vote approve such increase. The question of such increase shall be submitted to the voters at the primary or general election in 1980 if the city council shall submit a certified copy of a resolution to that effect to the election commissioner not later than forty-one days prior to the primary or general election. Notwithstanding the provisions of section 77-27,143, if the increase is approved by the voters at the primary or general election in 1980, the election commissioner shall file a certified copy of the election results with the Tax Commissioner on or before the last day of the month in which the election is held. If the increase is not approved by the voters at the primary or general election in 1980, no tax increased pursuant to this section shall remain in effect after December 31, 1980.

(3) A city of the primary class is hereby authorized to increase any city sales and use tax existing on January 1, ~~1985~~ 1994, imposed pursuant to this section by an amount not to exceed one-half of one percent for a four-year period if the question of such tax increase is submitted to the voters of such city and the voters by a majority vote approve such increase. Such increase shall be dedicated for street improvement, including the construction, resurfacing, maintenance, repair, or improvement of public roads and right-of-ways and the appurtenances thereto, including storm sewers, lighting, and landscaping. The question of such increase shall be submitted to the voters at the next primary or general election or at a special election if the city council shall submit a certified copy of a resolution proposing the tax increase to the election commissioner within a reasonable time prior to the primary, general, or special election. If the increase is approved by the voters at the primary, general, or special election, the election commissioner shall file a certified copy of the election results with the Tax Commissioner on or before the last day of the month in which the election is held. If the voters of a city of the primary class have not approved such an increase

by December 31, ~~1987~~ 1996, the question of such an increase shall not be submitted thereafter to the voters and there shall be no increase in the city sales and use tax.

(4) A city of the first or second class or village is hereby authorized to increase any city sales and use tax existing on January 1, 1986, imposed pursuant to this section by an amount not to exceed one-half of one percent if the question of such tax increase is submitted to the voters of such city or village and the voters by a majority vote approve such increase. The question of such increase shall be submitted to the voters at any primary or general election or at a special election if the city council or village board shall submit a certified copy of a resolution proposing the tax increase to the election commissioner or county clerk within a reasonable time prior to the primary, general, or special election. If the increase is approved by the voters at the primary, general, or special election, the election commissioner or county clerk shall file a certified copy of the election results with the Tax Commissioner on or before the last day of the month in which the election is held.

(5) A city of the metropolitan class may increase any city sales and use tax existing on the effective date of this act imposed pursuant to this section by an amount not to exceed one-half of one percent if the governing body of the city adopts an ordinance approving such increase. Such increase shall be made without further submission of the question to the voters of such city, and such increase shall be for no more than twelve consecutive months after inception of the increase or until December 31, 1995, whichever occurs first. Notwithstanding any home rule charter provision to the contrary, the proceeds from the tax imposed by this subsection shall be placed in a separate fund for improvements to and renovations of city-owned entertainment, convention, and sports facilities and for renovation or construction of parking improvements associated with such facilities.".

2. On page 5, line 26, after "original" insert "section 77-27,142, Reissue Revised Statutes of Nebraska, 1943, and"; and in line 27 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 1356. Placed on General File as amended.
Standing Committee amendment to LB 1356:
AM3384

1. Strike original sections 1 and 3 and insert the following new section:

"Section 1. That section 9-812, Revised Statutes

Supplement, 1993, be amended to read as follows:

9-812. (1) All money received from the operation of lottery games conducted pursuant to the State Lottery Act in Nebraska shall be deposited in the State Lottery Operation Trust Fund, which fund is hereby created. All payments of expenses of the operation of the lottery games shall be made from the State Lottery Operation Trust Fund, except that in accordance with legislative appropriations, money for payments for internal operating expenses of the division shall be transferred from the State Lottery Operation Trust Fund to the State Lottery Operation Revolving Fund, which fund is hereby created. All money necessary for the payment of lottery prizes shall be transferred from the State Lottery Operation Trust Fund to the State Lottery Prize Trust Fund, which fund is hereby created. The amount used for the payment of lottery prizes shall not be less than forty percent of the dollar amount of the lottery tickets which have been sold. Of the money remaining after the payment of prizes and operating expenses, the State Treasurer shall transfer from the State Lottery Operation Trust Fund to the General Fund an amount equal to the initial appropriation to the State Lottery Operation Trust Fund with interest at the rate specified in section 45-104.02, as such rate may from time to time be adjusted.

After the General Fund is repaid, at least twenty-five percent of the dollar amount of the lottery tickets which have been sold on an annualized basis shall be transferred to the Education Innovation Fund, the Solid Waste Landfill Closure Assistance Fund, the Nebraska Environmental Trust Fund, ~~and~~ the Compulsive Gamblers Assistance Fund, and the Building Renewal Allocation Fund. Forty-nine and one-half percent of the amount of money collected in the first twelve months of lottery operations remaining after the payment of prizes and operating expenses shall be transferred to the Education Innovation Fund. ~~Beginning on July 15, 1993~~ Twelve months after the first receipt of lottery revenue, and continuing through July 1, 1997, twenty-four and one-half percent of the amount of money collected in the first twelve months of lottery operations remaining after the payment of prizes and operating expenses shall be transferred to the Solid Waste Landfill Closure Assistance Fund and twenty-five percent of the amount of money collected in the first twelve months of lottery operations remaining after the payment of prizes and operating expenses shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act. After July 1, 1997, forty-nine and one-half percent of the amount of money collected in the first twelve months of lottery operations remaining after the payment of prizes and operating expenses

shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act. One percent of the amount of money collected in the first twelve months of lottery operations remaining after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund to be used as provided in subsection (4) of this section. The money remaining after the payment of prizes and operating expenses which is in excess of the amount collected in the first twelve months of lottery operations and transferred to the Education Innovation Fund, the Solid Waste Landfill Closure Assistance Fund, the Nebraska Environmental Trust Fund, and the Compulsive Gamblers Assistance Fund shall be transferred to the Building Renewal Allocation Fund. When determining the amount of money collected in the first twelve months of lottery operations remaining after the payment of prizes and operating expenses, the Department of Revenue shall include one-time startup costs of not to exceed six hundred ninety-one thousand five hundred one dollars in the amount of total collections.

(2) The Education Innovation Fund is hereby created. Each fiscal year beginning with fiscal year 1994-95, at least seventy-five percent of the lottery proceeds allocated to the Education Innovation Fund shall be available for disbursement. The Education Innovation Fund shall be allocated by the Governor through incentive grants to encourage the development of strategic school improvement plans by school districts for accomplishing high performance learning and to encourage schools to establish innovations in programs or practices that result in restructuring of school organization, school management, and instructional programs which bring about improvement in the quality of education. Such grants are intended to provide selected school districts, teachers or groups of teachers, nonprofit educational organizations, educational service units, or cooperatives funding for the allowable costs of implementing pilot projects and model programs.

Minigrants shall be available to school districts to support the development of strategic school improvement plans which shall include statements of purposes and goals for the districts. The plans shall also include the specific statements of improvement or strategic initiatives designed to improve quality learning for every student.

Major competitive grants shall be available to support innovative programs which are directly related to the strategic school improvement plans. The development of a strategic school improvement plan by a school district shall be required before a grant is awarded. Annual reports shall be made by program recipients documenting the effectiveness of

the program in improving the quality of education as designed in the strategic school improvement plans. Special consideration shall be given to plans which contain public or private matching funds and cooperative agreements, including agreements for in-kind services. Purposes for which incentives would be offered shall include:

(a) Professional staff development programs to provide funds for teacher and administrator training and continuing education to upgrade teaching and administrative skills;

(b) The development of strategic school improvement plans by school districts;

(c) Educational technology assistance to public schools for the purchase and operation of computers, telecommunications equipment and services, and other forms of technological innovation which may enhance classroom teaching, instructional management, and districtwide administration. Such telecommunications equipment, services, and forms of technical innovation shall be approved by the State Department of Education in consultation with the Department of Administrative Services to insure compatibility of technologies and compliance with statewide priorities;

(d) An educational accountability program to develop an educational indicators system to measure the performance and outcomes of public schools and to ensure efficiency in operations;

(e) Alternative programs for students, including underrepresented groups, at-risk students, and dropouts;

(f) Programs that demonstrate improvement of student performance against valid national and international achievement standards;

(g) Early childhood education and parent education which emphasize child development;

(h) Programs using decisionmaking models that increase involvement of parents, teachers, and students in school management;

(i) Increased involvement of the community in order to achieve increased confidence in and satisfaction with its schools;

(j) Development of magnet or model programs designed to facilitate desegregation;

(k) Programs that address family and social issues impairing the learning productivity of students;

(l) Programs enhancing critical and higher-order thinking capabilities;

(m) Programs which produce the quality of education necessary to guarantee a competitive work force;

(n) Programs designed to increase productivity of staff and students through innovative use of time; and

(o) Training programs designed to benefit teachers at all levels of education by increasing their ability to work with educational technology in the classroom.

The Governor shall establish the Excellence in Education Council. The Governor shall appoint eleven members to the council including representatives of educational organizations, postsecondary educational institutions, the business community, and the general public, members of school boards and parent education associations, school administrators, and at least four teachers who are engaged in classroom teaching. The State Department of Education shall provide staff support for the council. The council shall have the following powers and duties:

(i) In consultation with the State Department of Education, develop and publish criteria for the awarding of grants for programs pursuant to this subsection;

(ii) Provide recommendations to the Governor regarding the selection of projects to be funded and the distribution and duration of project funding;

(iii) Establish standards, formats, procedures, and timelines for the successful implementation of approved programs funded by the Education Innovation Fund;

(iv) Assist school districts in determining the effectiveness of the innovations in programs and practices and measure the subsequent degree of improvement in the quality of education;

(v) Consider the reasonable distribution of funds across the state and all classes of school districts; and

(vi) Provide annual reports to the Governor concerning programs funded by the fund. Each report shall include the number of applicants and approved applicants, an overview of the various programs, objectives, and anticipated outcomes, and detailed reports of the cost of each program.

(3) Recipients of grants from the Education Innovation Fund shall be required to provide, upon request, such data relating to the funded programs and initiatives as the Governor deems necessary.

(4) The Compulsive Gamblers Assistance Fund is hereby created. The fund shall be administered by the Director of the Division on Compulsive Gambling to carry out the purposes of sections 9-804.01 to 9-804.05.

(5) Any money in the State Lottery Operation Trust Fund, the State Lottery Operation Revolving Fund, the State Lottery Prize Trust Fund, the Education Innovation Fund, or the Compulsive Gamblers Assistance Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

(6) Unclaimed prize money on a winning lottery ticket shall be retained for a period of time prescribed by

rules and regulations. If no claim is made within such period, the prize money shall be used at the discretion of the Tax Commissioner for any of the purposes prescribed in this section.".

2. Renumber the remaining sections accordingly.

(Signed) Scott Moore, Chairperson

Agriculture

LEGISLATIVE BILL 1230. Indefinitely postponed.

(Signed) Merton L. Dierks, Chairperson

Education

LEGISLATIVE BILL 1055. Placed on General File as amended.
Standing Committee amendment to LB 1055:
AM3382

1. Strike the original sections and insert the following new sections:

"Section 1. (1) The Legislature recognizes: (a) That the good health of the citizens of Nebraska is fundamental to all aspects of public and private endeavor; (b) that encouraging healthy lifestyles encourages less dependence on the health care system and benefits the economy; (c) that the development of positive health habits begins at a very early age and that schools are essential providers of the information and motivation students need to develop lifelong practices which contribute to healthy lifestyles; and (d) that personal commitment and responsibility at an early age to good health and well-being is the underlying motivation to refusing behaviors which result in drug and alcohol abuse, adolescent pregnancy, suicide, school failure, needless exposure to disease and accidents, and risk of premature death related to circulatory, respiratory, and neurological damage.

(2) It is the intent of the Legislature that a comprehensive program of health education be established in all public schools.

Sec. 2. That section 79-4,140.17, Revised Statutes Supplement, 1992, be amended to read as follows:

79-4,140.17. Provisions shall be made by the proper local school authorities for instructing the ~~pupils~~ students in all public schools in a comprehensive health education program which shall include, but not be limited to, instruction in the following areas: (1) ~~as to the~~ The physiological, psychological, and sociological aspects of drug use, misuse, and abuse; ~~and~~ (2) ~~on~~ mental retardation and other developmental disabilities, such as cerebral palsy,

autism, and epilepsy, their causes, and the prevention thereof through proper nutrition and the avoidance of the consumption of drugs. ~~as defined in this section.~~ For purposes of subdivisions (1) and (2) of this section, drugs shall mean any and all biologically active substances used in the treatment of illnesses or for recreation or pleasure. Special emphasis shall be placed upon the commonly abused drugs of tobacco, alcohol, marijuana, hallucinogenics, amphetamines, barbiturates, and narcotics; and (3) life cycles, including human growth and development and the reproductive process, decisionmaking skills, abstinence from sexual activity, acquired immunodeficiency syndrome, and sexually transmitted diseases. Instruction offered under this subdivision shall be offered at a developmentally appropriate age.

Local school authorities shall hold at least one public hearing to allow input from citizens residing in the school district regarding any significant changes in the content of the comprehensive health education curriculum. The State Department of Education shall provide technical assistance as requested by the local school authorities.

Upon receipt of an objection signed by a student's parent or guardian, a school district administrator shall exempt such student from any part of the program to which the objection applies. A student shall not be penalized in any manner as a result of the exemption.

Beginning January 1, 2000, the Commissioner of Education shall conduct and complete an evaluation and review of the effectiveness of the changes made to the comprehensive health education program by this legislative bill. The commissioner shall submit a report to the Chairperson of the Education Committee of the Legislature on or before June 30, 2000. The Education Committee of the Legislature shall hold a public hearing on the study and shall submit a report, along with its comments and recommendation, if any, to the Legislature on or before December 1, 2000.

All public schools in Nebraska shall have in place by the beginning of the 1995-96 school year a comprehensive health education program as provided in this section.

Sec. 3. That original section 79-4,140.17, Revised Statutes Supplement, 1992, is repealed.".

LEGISLATIVE BILL 1184. Placed on General File as amended.
Standing Committee amendment to LB 1184:
AM3381

1. Strike original sections 4 and 5 and insert the following new section:

"Sec. 4. To comply with the requirements of section 3 of this act, each school district shall first allocate such funds received by the district under the Tax Equity and

Educational Opportunities Support Act before allocating any such funds to other school district purposes.".

2. On page 2, lines 3 and 10 and 11, strike "to 5" and insert "and 4".

3. On page 3, line 28, strike "5" and insert "4".

4. Renumber the remaining sections accordingly.

(Signed) Ardyce Bohlke, Chairperson

Urban Affairs

LEGISLATIVE BILL 1188. Placed on General File as amended.
Standing Committee amendment to LB 1188:
AM3354

1. On page 2, lines 11 through 17, strike the new matter and insert "In cities with a population of more than two thousand five hundred inhabitants and less than ten thousand inhabitants, a business shall also be a qualifying business if it derives its principal source of income from retail trade, except that no more than forty percent of the total revenue generated pursuant to the Local Option Municipal Economic Development Act for an economic development program in any twelve-month period and no more than twenty percent of the total revenue generated pursuant to the act for an economic development program in any five-year period, commencing from the date of municipal approval of an economic development program, shall be used by the city for or devoted to the use of retail trade businesses. For purposes of this section, retail trade shall mean a business which is principally engaged in the sale of goods or commodities to ultimate consumers for their own use or consumption and not for resale.".

LEGISLATIVE BILL 1221. Placed on General File as amended.
Standing Committee amendment to LB 1221:
AM3357

1. On page 2, line 16, after the first "the" insert "valuation of the"; and in line 17 before "portion" insert "valuation of the".

LEGISLATIVE BILL 1294. Placed on General File as amended.
Standing Committee amendment to LB 1294:
AM3355

1. On page 2, lines 4 and 5, strike the new matter; in line 6 strike "members of the commission shall"; and in line 25 after the period insert "A number of commissioners equal to a majority of the number of regular members appointed to the commission shall constitute a quorum for the transaction of any business.".

2. On page 3, line 16, strike "(1)" and insert "(3)"; and after line 20, insert the following new subsection:

"(3) A city or village may, by ordinance, provide for the appointment of one alternate member to the planning commission who shall be chosen by the mayor, by and with the approval of a three-fourths vote of the council. The alternate member shall serve without compensation and shall hold no other municipal office. The term of the alternate member shall be three years and he or she shall hold office until his or her successor is appointed. The alternate member may be removed from office in the same manner as a regular member. If the alternate member position becomes vacant other than through the expiration of the term the vacancy shall be filled for the unexpired portion of the term by the mayor. The alternate member may attend any meeting, but shall serve as a voting and participating member of the commission only when his or her presence and participation is necessary to provide the commission with a quorum of members to transact business.".

LEGISLATIVE BILL 1322. Placed on General File as amended.
Standing Committee amendment to LB 1322:
AM3356

1. On page 3, line 23, strike "viewing" and after "site" insert "from which interested persons may view and participate in the hearing".

(Signed) D. Paul Hartnett, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Ashford asked unanimous consent to print the following amendment to LB 988 in the Journal. No objections. So ordered.

FA380
Amend AM4007 by deleting "nineteen" on line 6 Pg 1 and inserting "twenty-one"
on line 11 Pg 1 change nineteen to twenty-one.

Mr. Wesely asked unanimous consent to print the following amendment to LB 817 in the Journal. No objections. So ordered.

(Amendment, AM4001, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

UNANIMOUS CONSENT - Add Cointroducers

Mr. Preister asked unanimous consent to have his name added as cointroducer to LB 72 and LB 1029. No objections. So ordered.

Mrs. Robak asked unanimous consent to have her name added as cointroducer to LB 1167. No objections. So ordered.

VISITORS

Visitors to the Chamber were 15 students from David City High School; 22 fourth grade students and sponsor from St. John Lutheran School, Seward; Linda Trout from Omaha; 23 students from Union College; and 21 fifth grade students and teacher from Washington Elementary School, Fremont.

The Doctor of the Day was Donald J. Larson from Lincoln.

ADJOURNMENT

At 12:04 p.m., on a motion by Mrs. McKenzie, the Legislature adjourned until 9:00 a.m., Friday, February 25, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-FIRST DAY - FEBRUARY 25, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 25, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

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

ROLL CALL

The roll was called and all members were present except Mrs. Rasmussen who was excused; and Messrs. Abboud, Ashford, Avery, Beutler, Bromm, Chambers, Dierks, Elmer, Hartnett, Kristensen, Landis, Lindsay, Moore, Pedersen, Schmitt, Warner, Wesely, Will, Mmes. Pirsch, Witek, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirtieth day was approved.

UNANIMOUS CONSENT - Members Excused

Messrs. Wickersham, Monen, Mmes. Bohlke, and McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

ANNOUNCEMENT

Speaker Withem designates LBs 241, 411, 480, 493, 647, 660, 819, 864, 900, 908, 909, 972, 974, 987, 1043, 1068, 1071, 1161, 1200, 1244, 1292, 1303, 1310, 1328, and LR 15CA as priority bills and resolution.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 24, 1994. Further lists listing additional lobbyists who have registered will be filed weekly.

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

McCarthy, John J. - Omaha	Connaught Laboratories
Moors, H. Jack - Lincoln	Ferret Exploration Company of Nebraska
Mueller, William J. - Knudsen, Berkheimer, Richardson & Endacott	
Mueller, William J - Lincoln	City of Fairbury (Withdrawn 01/26/94)
Rasmussen, Dennis L. - Lincoln	Concrete Industries, Inc. (Withdrawn 12/30/93)
Ruth, Larry L. - Knudsen, Berkheimer, Richardson & Endacott	
Ruth, Larry L. - Lincoln	City of Fairbury (Withdrawn 01/26/93)
Wright, Norman H. - Omaha	Cannaught Laboratories, Inc.

RESOLUTIONS

LEGISLATIVE RESOLUTION 318. Read. Considered.

LEGISLATIVE RESOLUTION 320. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 318 and 320 were adopted with 24 ayes, 0 nays, and 25 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 407.

A BILL FOR AN ACT relating to the division of fire protection districts; to amend section 35-527, Reissue Revised Statutes of Nebraska, 1943; to change the calculation of the proportion of funds deposited to new divisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Ashford	Beutler	Coordsen	Cudaback	Elmer
Avery	Byars	Crosby	Day	Engel

Fisher	Hudkins	Moore	Robak	Vrtiska
Haberman	Jones	Pedersen	Robinson	Wehrbein
Hall	Kristensen	Pirsch	Schellpeper	Witek
Hartnett	Matzke	Preister	Schmitt	Withem
Hillman				

Voting in the negative, 0.

Present and not voting, 3:

Bernard-Stevens	Janssen	Lynch

Excused and not voting, 15:

Abboud	Chambers	Lindsay	Rasmussen	Wesely
Bohlke	Dierks	McKenzie	Schimek	Wickersham
Bromm	Landis	Monen	Warner	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 416.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-123.15, Revised Statutes Supplement, 1992; to change provisions relating to shipping licenses; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Ashford	Day	Hartnett	Moore	Schellpeper
Avery	Elmer	Hillman	Pedersen	Schmitt
Beutler	Engel	Hudkins	Pirsch	Wehrbein
Byars	Fisher	Jones	Preister	Wesely
Coordsen	Haberman	Kristensen	Robak	Witek
Crosby	Hall	Matzke	Robinson	Withem
Cudaback				

Voting in the negative, 0.

Present and not voting, 4:

Bernard-Stevens	Janssen	Lynch	Vrtiska

Excused and not voting, 14:

Abboud	Chambers	Lindsay	Rasmussen	Wickersham
Bohlke	Dierks	McKenzie	Schimek	Will
Bromm	Landis	Monen	Warner	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

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

LEGISLATIVE BILL 451.

A BILL FOR AN ACT relating to juveniles; to amend sections 29-401 and 43-253, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to release of a juvenile as prescribed; to provide for notification of certain court actions as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 33:

Ashford	Day	Hillman	Pedersen	Schmitt
Avery	Elmer	Hudkins	Pirsch	Vrtiska
Beutler	Engel	Jones	Preister	Wehrbein
Byars	Fisher	Kristensen	Robak	Wesely
Coordsen	Haberman	Lynch	Robinson	Witek
Crosby	Hall	Matzke	Schellpeper	Withem
Cudaback	Hartnett	Moore		

Voting in the negative, 0.

Present and not voting, 1:

Bernard-
Stevens

Excused and not voting, 15:

Abboud	Chambers	Landis	Monen	Warner
Bohlke	Dierks	Lindsay	Rasmussen	Wickersham
Bromm	Janssen	McKenzie	Schimek	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 490.

A BILL FOR AN ACT relating to child custody; to amend section 43-1225, Reissue Revised Statutes of Nebraska, 1943, and sections 42-364 and 43-2,113, Revised Statutes Supplement, 1993; to provide for evidence of abuse to be considered; to provide standards for all custody proceedings; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Ashford	Crosby	Hartnett	McKenzie	Schmitt
Avery	Cudaback	Hillman	Moore	Vrtiska
Bernard-Stevens	Day	Hudkins	Pedersen	Wehrbein
Beutler	Elmer	Janssen	Pirsch	Wesely
Bohlke	Engel	Jones	Preister	Wickersham
Byars	Fisher	Kristensen	Robak	Witek
Coordsen	Haberman	Lynch	Robinson	Withem
	Hall	Matzke	Schellpeper	

Voting in the negative, 0.

Excused and not voting, 11:

Abboud	Dierks	Lindsay	Rasmussen	Warner
Bromm	Landis	Monen	Schimek	Will
Chambers				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 934.

A BILL FOR AN ACT relating to the Farm Mediation Act; to amend section 2-4816, Reissue Revised Statutes of Nebraska, 1943; to extend the termination date of the act; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Ashford	Crosby	Hartnett	Matzke	Schmitt
Avery	Cudaback	Hillman	McKenzie	Vrtiska
Bernard-Stevens	Day	Hudkins	Moore	Wehrbein
Beutler	Elmer	Janssen	Pedersen	Wesely
Bohlke	Engel	Jones	Pirsch	Wickersham
Byars	Fisher	Kristensen	Preister	Witek
Coordsen	Haberman	Landis	Robak	Withem
	Hall	Lynch	Schellpeper	

Voting in the negative, 0.

Present and not voting, 1:

Robinson

Excused and not voting, 10:

Abboud	Chambers	Lindsay	Rasmussen	Warner
Bromm	Dierks	Monen	Schimek	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1019.

A BILL FOR AN ACT relating to cities of the first and second classes; to amend sections 16-238 and 17-121, Revised Statutes Supplement, 1993; to change provisions relating to the composition of the board of health; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Ashford	Crosby	Hartnett	Matzke	Schellpeper
Avery	Cudaback	Hillman	McKenzie	Schmitt
Bernard-Stevens	Day	Hudkins	Moore	Vrtiska
Beutler	Elmer	Janssen	Pedersen	Wehrbein
Bohlke	Engel	Jones	Pirsch	Wesely
Byars	Fisher	Kristensen	Preister	Wickersham
Coordsen	Haberman	Landis	Robak	Witek
	Hall	Lynch	Robinson	Withem

Voting in the negative, 0.

Present and not voting, 1:

Monen

Excused and not voting, 9:

Abboud	Chambers	Lindsay	Schimek	Will
Bromm	Dierks	Rasmussen	Warner	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1027.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1712, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the sponsorship of the fire training school; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:

Ashford	Cudaback	Hillman	McKenzie	Schmitt
Bernard-Stevens	Day	Hudkins	Monen	Vrtiska
Beutler	Elmer	Janssen	Moore	Wehrbein
Bohlke	Engel	Jones	Pedersen	Wesely
Byars	Fisher	Kristensen	Pirsch	Wickersham
Coordsen	Haberman	Landis	Preister	Witek
Crosby	Hall	Lynch	Robinson	Withem
	Hartnett	Matzke	Schellpeper	

Voting in the negative, 0.

Present and not voting, 2:

Avery	Robak

Excused and not voting, 9:

Abboud	Chambers	Lindsay	Schimek	Will
Bromm	Dierks	Rasmussen	Warner	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 424.

A BILL FOR AN ACT relating to vehicle titling and inspection; to amend section 60-106, Revised Statutes Supplement, 1993; to provide exemptions from vehicle inspections as prescribed; to change provisions relating to vehicle inspection statements; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Ashford	Crosby	Hillman	Monen	Schmitt
Avery	Cudaback	Hudkins	Moore	Vrtiska
Bernard-Stevens	Day	Janssen	Pedersen	Wehrbein
Beutler	Elmer	Jones	Pirsch	Wesely
Bohlke	Engel	Kristensen	Preister	Wickersham
Bromm	Fisher	Landis	Robak	Will
Byars	Haberman	Lynch	Robinson	Witek
Coordsen	Hall	Matzke	Schellpeper	Withem
	Hartnett	McKenzie		

Voting in the negative, 0.

Excused and not voting, 7:

Abboud	Dierks	Rasmussen	Schimek	Warner
Chambers	Lindsay			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 642 to Select File

Mr. Schellpeper moved to return LB 642 to Select File for his specific amendment, AM3200, found in the Journal on page 757.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Schellpeper motion to return prevailed with 27 ayes, 3 nays, 12 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 642. The Schellpeper specific amendment, AM3200, found in the Journal on page 757, was adopted with 25 ayes, 7 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 642 to Select File

Mr. Hall moved to return LB 642 to Select File for the following specific amendment:
FA381
Add the language;
"The selling agent as a party to the contract who attests to the condition of the property being sold."

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

Mr. Hall withdrew his motion to return.

MOTION - Return LB 28 to Select File

Mr. Haberman moved to return LB 28 to Select File for the following specific amendment:
FA382
Strike the enacting clause.

Mr. Haberman withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 28.

A BILL FOR AN ACT relating to carrier enforcement officers; to amend section 60-1306, Revised Statutes Supplement, 1992; to change arrest powers; to provide for funding to arm officers; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Avery	Crosby	Hillman	Monen	Schellpeper
Bernard-Stevens	Cudaback	Hudkins	Moore	Schimek
Bohlke	Day	Janssen	Pedersen	Schmitt
Bromm	Elmer	Jones	Pirsch	Vrtiska
Coordsen	Engel	Kristensen	Robak	Wehrbein
	Fisher	McKenzie	Robinson	Witek

Withem

Voting in the negative, 11:

Ashford	Haberman	Landis	Matzke	Wickersham
Beutler	Hall	Lynch	Wesely	Will
Chambers				

Present and not voting, 3:

Byars	Preister	Warner

Excused and not voting, 5:

Abboud	Dierks	Hartnett	Lindsay	Rasmussen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 254. With Emergency.

A BILL FOR AN ACT relating to law enforcement; to amend section 60-489, Revised Statutes Supplement, 1992; to provide for law enforcement and the arrest and detention of an offender in other jurisdictions in this state as prescribed; to require liability insurance; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Ashford	Cudaback	Hudkins	Monen	Vrtiska
Avery	Day	Janssen	Moore	Warner
Bernard-Stevens	Elmer	Jones	Pedersen	Wehrbein
	Engel	Kristensen	Pirsch	Wesely
Beutler	Fisher	Landis	Robinson	Wickersham
Bohlke	Haberman	Lynch	Schellpeper	Will
Bromm	Hartnett	Matzke	Schimek	Witek
Coordsen	Hillman	McKenzie	Schmitt	Withem
Crosby				

Voting in the negative, 2:

Chambers	Hall

Present and not voting, 3:

Byars Preister Robak

Excused and not voting, 4:

Abboud Dierks Lindsay Rasmussen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 608. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Amusement Ride Act; to amend sections 48-1801, 48-1802, 48-1806, and 48-1812, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change insurance provisions; to provide separate inspection fees for bungee jumping; to prohibit reverse bungee jumping; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Ashford	Crosby	Hillman	Monen	Schmitt
Avery	Cudaback	Hudkins	Moore	Vrtiska
Bernard-Stevens	Day	Janssen	Pedersen	Warner
Beutler	Elmer	Jones	Pirsch	Wehrbein
Bohlke	Engel	Kristensen	Preister	Wesely
Bromm	Fisher	Landis	Robak	Wickersham
Byars	Haberman	Lindsay	Robinson	Will
Chambers	Hall	Matzke	Schellpeper	Witek
Coordsen	Hartnett	McKenzie	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 3:

Abboud Dierks Rasmussen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 608A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 608, Ninety-third Legislature, Second Session, 1994; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Ashford	Cudaback	Hudkins	Monen	Schmitt
Avery	Day	Janssen	Moore	Vrtiska
Bernard-Stevens	Elmer	Jones	Pedersen	Warner
	Engel	Kristensen	Pirsch	Wehrbein
Beutler	Fisher	Landis	Preister	Wesely
Bromm	Haberman	Lindsay	Robak	Wickersham
Byars	Hall	Lynch	Robinson	Will
Chambers	Hartnett	Matzke	Schellpeper	Witek
Coordsen	Hillman	McKenzie	Schimek	Withem
Crosby				

Voting in the negative, 0.

Present and not voting, 1:

Bohlke

Excused and not voting, 3:

Abboud Dierks Rasmussen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Members Excused

Mmes. Bohlke and McKenzie asked unanimous consent to be excused.

MOTION - Return LB 140 to Select File

Mr. Bernard-Stevens moved to return LB 140 to Select File for the following specific amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3359.)

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 14 nays, and 16 not voting.

Mr. Bernard-Stevens moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Mr. Bernard-Stevens requested a roll call vote on his motion to return.

Voting in the affirmative, 25:

Abboud	Cudaback	Jones	Moore	Schimek
Ashford	Haberman	Landis	Preister	Wesely
Avery	Hall	Lindsay	Robak	Wickersham
Bernard-Stevens	Hillman	Lynch	Robinson	Will
Chambers	Janssen	Monen	Schellpeper	Withem

Voting in the negative, 18:

Beutler	Crosby	Engel	Pedersen	Warner
Bromm	Day	Hartnett	Pirsch	Wehrbein
Byars	Dierks	Hudkins	Vrtiska	Witek
Coordsen	Elmer	Matzke		

Present and not voting, 3:

Fisher	Kristensen	Schmitt

Excused and not voting, 3:

Bohlke	McKenzie	Rasmussen

The Bernard-Stevens motion to return prevailed with 25 ayes, 18 nays, 3 present and not voting, and 3 excused and not voting.

Mr. Coordsen asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 140. The Bernard-Stevens specific amendment, AM3359, on file in the Clerk's Office, was considered.

Mr. Bernard-Stevens requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Abboud	Cudaback	Jones	Moore	Wesely
Ashford	Haberman	Landis	Robak	Wickersham
Bernard-Stevens	Hall	Lindsay	Robinson	Will
	Hillman	Lynch	Schellpeper	Withem
Chambers	Janssen	Monen	Schimek	

Voting in the negative, 20:

Avery	Crosby	Engel	Kristensen	Vrtiska
Beutler	Day	Fisher	Matzke	Warner
Bromm	Dierks	Hartnett	Pedersen	Wehrbein
Byars	Elmer	Hudkins	Pirsch	Witek

Present and not voting, 2:

Preister Schmitt

Excused and not voting, 4:

Bohlke Coordsen McKenzie Rasmussen

The Bernard-Stevens amendment lost with 23 ayes, 20 nays, 2 present and not voting, and 4 excused and not voting.

Messrs. Ashford and Landis asked unanimous consent to be excused. No objections. So ordered.

Readvanced to Final Reading.

RESOLUTION

LEGISLATIVE RESOLUTION 321. Introduced by Schmitt, 41; Robak, 22; Jones, 43; McKenzie, 34.

WHEREAS, the North Loup Division, Pick-Sloan Missouri Basin Program in Nebraska, also known as the Twin Loups Project, has been in existence for forty years and will provide irrigation and recreation in north-central Nebraska; and

WHEREAS, this project has had the support of four previous Nebraska Governors and is supported by current Governor E. Benjamin Nelson; and

WHEREAS, this project is presently about ninety-five percent complete and the final major construction contracts have been awarded; and

WHEREAS, the requested funds are crucial to the completion of the project and to the storage and use of precious surface water; and

WHEREAS, two million seven hundred eighty-one thousand dollars is needed for contract administration, closing of the United States Bureau of Reclamation offices in Ord and Palmer, Nebraska, and completing minor construction.

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

1. That the Legislature supports the Twin Loups Project.

2. That the Legislature urges the respective subcommittees on Energy and Water Development of the Appropriations Committees of the United States Senate and the United States House of Representatives to appropriate sufficient funds in the amount of two million seven hundred eighty-one thousand dollars to continue construction and progress toward completion of the Twin Loups Project.

3. That copies of this resolution be transmitted to Representative William E. Barrett and be presented to the respective Appropriations Committees of the United States Senate and the United States House of Representatives.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 321 was referred to the Reference Committee.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LR 319 in the Journal. No objections. So ordered.

AM4027

1. On page 2, in the twelfth line after the period insert "That the Legislature hereby encourages the Congress of the United States to consider an amendment to the Constitution of the United States which specifies that Congress and the states have the power to prohibit and restrict the sale, propagation, publishing, and dissemination of information and propaganda regarding or concerning the National Socialist Party, also known as the Nazi Party, and the KKK, also known as the Ku Klux Klan.

3.".

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 1207 in the Journal. No objections. So ordered.

AM3314

(Amendments to Standing Committee amendments, AM3115)

1. On page 1, line 3, after the second period insert "(1)"; after line 17 insert the following new subsection:

"(2) This section shall not apply to any sanitary and improvement district organized prior to January 1, 1995, pursuant to Chapter 31, article 7."; and in line 18 before "For" insert "(3)".

Mr. Robinson asked unanimous consent to print the following amendment to LB 694 in the Journal. No objections. So ordered.

AM4004

(Amendments E & R amendments, AM5650)

1. Insert the following new sections:

"Sec. 65. That section 9-306.01, Revised Statutes Supplement, 1992, be amended to read as follows:

9-306.01. Designated premises shall mean one location selected by a licensed organization at which individual pickle cards may be sold as opportunities for participation in a lottery by the sale of pickle cards. Only one of the following types of locations may be selected as a designated premises: (1) In the case of an organization holding a certificate of exemption under section 501(c)(3), (c)(4), or (c)(5) of the Internal Revenue Code or a volunteer fire company, one piece of real property which is owned, leased, or used by the organization as its principal office, which is in use by the organization primarily for purposes other than the conduct of gaming activities, and which is not used in connection with any other type of retail business activity other than an occasional sale as defined in section 77-2702.09; or (2) in the case of an organization holding a certificate of exemption under section 501(c)(7), (c)(8), (c)(10), or (c)(19) of the Internal Revenue Code, one piece of real property which is owned, leased, or used by the organization as its principal office and which is in use by the organization primarily for purposes other than the conduct of gaming activities. For purposes of this section, principal office shall mean the place where the principal affairs and business of the licensed organization are transacted, including where the officers and members assemble to discuss and transact the business of the organization, where its meetings are held, and generally where its records are kept.

Sec. 74. That section 9-326, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

9-326. (1) Any nonprofit organization holding a certificate of exemption under section 501(c)(3), (c)(4), (c)(5), (c)(7), (c)(8), (c)(10), or (c)(19) of the Internal

Revenue Code or any volunteer fire company organized and operated pursuant to Chapter 35, article 1, may apply for a license to conduct a lottery by the sale of pickle cards.

(2) Prior to applying for any license, an organization shall:

(a) Be incorporated in this state as a not-for-profit corporation or organized in this state as a religious or not-for-profit organization. For purposes of this subsection, a domesticated foreign corporation shall not be considered incorporated in this state as a not-for-profit corporation;

(b) Conduct activities within this state in addition to the conduct of lottery by the sale of pickle cards;

(c) Be authorized by its constitution, articles, charter, or bylaws to further in this state a lawful purpose;

(d) Operate without profit to its members, and no part of the net earnings of such organization shall inure to the benefit of any private shareholder or individual; and

(e) Be a volunteer fire department or an organization devoted solely to the operation of youth amateur athletics or have been in existence in this state for five years immediately preceding its application for a license and have had during that period a bona fide membership actively engaged in furthering a lawful purpose. A society defined in section 21-608 which is chartered in Nebraska under a state, grand, supreme, national, or other governing body may use the charter date of its parent organization to satisfy such five-year requirement.".

2. On page 159, line 23, after "original" insert "section 9-326, Reissue Revised Statutes of Nebraska, 1943, section 9-306.01, Revised Statutes Supplement, 1992,".

3. Renumber the remaining sections and correct internal references accordingly.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 1161. Placed on General File.
LEGISLATIVE BILL 1312. Placed on General File.

(Signed) Ardyce Bohlke, Chairperson

Natural Resources

LEGISLATIVE BILL 72. Placed on General File.

(Signed) Chris Beutler, Chairperson

Judiciary

LEGISLATIVE BILL 156. Placed on General File.
LEGISLATIVE BILL 921. Placed on General File.
LEGISLATIVE BILL 965. Placed on General File.
LEGISLATIVE BILL 1343. Placed on General File.

LEGISLATIVE BILL 887. Indefinitely postponed.
LEGISLATIVE BILL 890. Indefinitely postponed.
LEGISLATIVE BILL 968. Indefinitely postponed.
LEGISLATIVE BILL 1148. Indefinitely postponed.
LEGISLATIVE BILL 1220. Indefinitely postponed.
LEGISLATIVE BILL 1299. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 407, 416, 451, 490, 934, 1019, 1027, 424, 28, 254, 608, and 608A.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Fisher asked unanimous consent to have his name added as cointroducer to LB 1354. No objections. So ordered.

Mr. Bromm asked unanimous consent to have his name added as cointroducer to LR 319. No objections. So ordered.

BILL ON FIRST READING

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

LEGISLATIVE BILL 817A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 817, Ninety-third Legislature, Second Session, 1994.

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 1044 in the Journal. No objections. So ordered.

AM4000
(Amendments to Standing Committee amendment, AM3236)
1. Insert the following new amendments:
"1. Strike original section 2.
4. On page 4, line 12, strike beginning with

'sections' through '86-1007' and insert 'section 86-1003'; and in line 13 strike 'are' and insert 'is'.

5. Renumber the remaining section accordingly.".

2. On page 1, line 9, after the quotation marks insert "; and after line 26 insert the following new subsection:

'(5) Funds generated by the service surcharge shall be expended only for the purchase, installation, maintenance, and operation of telecommunications equipment and telecommunications-related services required for the provision of 911 service.'.".

3. Renumber the remaining amendments accordingly.

Mr. Chambers asked unanimous consent to print the following amendment to LB 677 in the Journal. No objections. So ordered.

AM2867

(Amendments to Third Final Reading copy)

1. Strike original sections 1 to 5, 9, and 12 to 15 and insert the following new sections:

"Section 1. That section 29-2264, Revised Statutes Supplement, 1993, be amended to read as follows:

29-2264. (1) Whenever any person is placed on probation by a court and satisfactorily completes the conditions of his or her probation for the entire period thereof or is discharged from probation prior to the termination of the period thereof, the sentencing court shall issue an order releasing the offender from probation and such order shall in all felony cases restore the offender's civil rights. ~~the same as though a pardon had been issued.~~

(2) Whenever any person is convicted of a misdemeanor or felony and is placed on probation by the court or is sentenced to a fine only, he or she may, after satisfactory fulfillment of the conditions of probation for the entire period thereof or after discharge from probation prior to the termination of the period thereof and after payment of any fine, petition the sentencing court to set aside the conviction.

(3) In determining whether to set aside the conviction, the court shall consider:

(a) The behavior of the offender after sentencing;

(b) The likelihood that the offender will not engage in further criminal activity; and

(c) Any other information the court considers relevant.

(4) The court may grant the offender's petition and issue an order setting aside the conviction when in the opinion of the court the order will be in the best interest of the offender and consistent with the public welfare. Such

order shall:

(a) Nullify the conviction; and

(b) Remove all civil disabilities and disqualifications imposed as a result of the conviction. ~~the same as though a pardon had been issued.~~

(5) The setting aside of a conviction in accordance with the Nebraska Probation Administration Act shall not:

(a) Require the reinstatement of any office, employment, or position which was previously held and lost or forfeited as a result of the conviction;

(b) Preclude proof of a plea of guilty whenever such plea is relevant to the determination of an issue involving the rights or liabilities of someone other than the offender;

(c) Preclude proof of the conviction as evidence of the commission of the misdemeanor or felony, whenever the fact of its commission is relevant for the purpose of impeaching the offender as a witness, except that the order setting aside the conviction may be introduced in evidence;

(d) Preclude use of the conviction for the purpose of determining sentence on any subsequent conviction of a criminal offense;

(e) Preclude the proof of the conviction as evidence of the commission of the misdemeanor or felony in the event an offender is charged with a subsequent offense and the penalty provided by law is increased if the prior conviction is proved; or

(f) Preclude the proof of the conviction to determine whether an offender is eligible to have a subsequent conviction set aside in accordance with the Nebraska Probation Administration Act.

(6) This section shall be retroactive in application and shall apply to all persons, otherwise eligible in accordance with the provisions of this section, whether convicted prior to, on, or subsequent to June 11, 1993.

Sec. 2. That section 83-188, Revised Statutes Supplement, 1993, be amended to read as follows:

83-188. There is hereby created the Board of Parole. For administrative purposes only, the board shall be within the Board of Pardons. Nothing in the Nebraska Treatment and Corrections Act shall be construed to give the director or the Board of Pardons any authority, power, or responsibility over the Board of Parole, its employees, or the exercise of its functions under the provisions of the act.

Sec. 3. That section 83-189, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-189. The Board of Parole shall consist of five full-time members to be appointed by the Governor subject to confirmation by the Legislature. The members of the board shall be of good character and judicious temperament. ~~One of~~

~~the five members of the board shall be designated as chairperson by the Governor.~~ At least one member of the board shall be of a an ethnic minority group, at least one member shall be female, and at least one member shall have a professional background in corrections.

One of the five members of the board shall be designated as chairperson by the Governor. In addition to the chairperson's duties as a member of the board as prescribed in subsection (1) of section 83-192, he or she shall supervise the administration and operation of the board and shall carry out the duties prescribed in subsection (2) of such section.

Sec. 4. That section 83-192, Revised Statutes Supplement, 1993, be amended to read as follows:

83-192. (1) The Board of Parole shall:

(a) ~~(1)~~ Determine the time of release on parole of committed offenders eligible for such release;

(b) ~~(2)~~ Fix the conditions of parole, revoke parole, issue or authorize the issuance of warrants for the arrest of parole violators, and impose other sanctions short of revocation for violation of conditions of parole;

(c) ~~(3)~~ Determine the time of discharge from parole;

(d) ~~(4)~~ Visit and inspect any facility, state or local, for the detention of persons charged with or convicted of an offense and for the safekeeping of such other persons as may be remanded to such facility in accordance with law;

~~(5) Serve in an advisory capacity to the director in administering parole services within any facility and in the community;~~

~~(6) Interpret the parole program to the public with a view toward developing a broad base of public support;~~

~~(7) Conduct research for the purpose of evaluating and improving the effectiveness of the parole system;~~

~~(8) Recommend parole legislation to the Governor;~~

~~(9)~~ (e) Within two years after the operative date of this act, implement objective parole risk-assessment criteria which shall be used by the members of the board as additional considerations in determining whether to grant or deny parole to any particular offender who is eligible for parole. For purposes of this subdivision, objective parole risk-assessment criteria shall mean criteria which statistically have been shown to be good predictors of risk to society of release on parole;

(f) Review the record of every committed offender as follows:

(i) ~~(a)~~ If a committed offender has a parole eligibility date within five years of his or her date of incarceration, his or her record shall be reviewed annually;

(ii) ~~(b)~~ If a committed offender has a parole eligibility date which is more than five but not more than ten

years from his or her date of incarceration, his or her record shall be reviewed during the first year of incarceration, and when he or she is within three years of his or her earliest parole eligibility date, his or her record shall be reviewed annually;

(iii) ~~(c)~~ If a committed offender has a parole eligibility date which is more than ten but not more than thirty years from his or her date of incarceration, his or her record shall be reviewed during the first year of incarceration, every five years thereafter until he or she is within five years of his or her earliest parole eligibility date, and annually thereafter;

(iv) ~~(d)~~ If a committed offender has a parole eligibility date which is more than thirty years from his or her date of incarceration, his or her record shall be reviewed during his or her first, tenth, and twentieth year of incarceration, and when he or she is within five years of his or her earliest parole eligibility date, his or her record shall be reviewed annually; and

(v) ~~(e)~~ If a committed offender is serving a minimum life sentence, his or her record shall be reviewed during the first year of incarceration and every ten years thereafter until such time as the sentence is commuted. If such sentence is commuted, the committed offender's record shall be reviewed annually when he or she is within five years of his or her earliest parole eligibility date.

Such review shall include the circumstances of the offense, the presentence investigation report, the committed offender's previous social history and criminal record, his or her conduct, employment, and attitude during commitment, and the reports of such physical and mental examinations as have been made. The board shall meet with such committed offender and counsel him or her concerning his or her progress and prospects for future parole.

The review schedule shall be based on court-imposed sentences or statutory minimum sentences, whichever are greater. Nothing in such schedule shall prohibit the board from reviewing a committed offender's case at any time;

~~(10) Make rules and regulations for its own administration and operation; and~~

~~(11)~~ (g) Appoint and remove all employees of the board and delegate appropriate powers and duties to them; and

(h) Exercise all powers and perform all duties necessary and proper in carrying out its responsibilities of the board under the Nebraska Treatment and Corrections Act.

(2) The chairperson of the board shall:

(a) Supervise the administration and operation of the board;

(b) Serve in an advisory capacity to the director in

administering parole services within any facility and in the community;

(c) Interpret the parole program to the public with a view toward developing a broad base of public support;

(d) Conduct research for the purpose of evaluating and improving the effectiveness of the parole system;

(e) Recommend parole legislation to the Governor;

(f) Adopt and promulgate rules and regulations for the administration and operation of the board; and

(g) Exercise all other powers and perform all other duties necessary and proper in carrying out his or her responsibilities as chairperson.

(3) The provisions of this section shall not prohibit a committed offender from requesting that the board review his or her record, except that the board shall not be required to review a committed offender's record more than once a year.

Sec. 5. That section 83-1,100, Revised Statutes Supplement, 1993, be amended to read as follows:

83-1,100. There is hereby created within the department the Office of Parole Administration. The office shall consist of the Parole Administrator, the field parole service, and all other office staff. The office shall be responsible for the following:

(1) The administration of parole services in the community; and

~~(2) The maintenance of all records and files associated with the Board of Parole;~~

~~(3) Provision of available administrative staff support to the Board of Pardons and the Board of Parole to assist in carrying out their duties; and~~

(2) ~~(4)~~ The daily supervision and training of staff members of the office.

~~Nothing in this section shall be construed to prohibit the office from maintaining daily records and files associated with the Board of Pardons.~~

Sec. 6. That section 83-1,100.01, Revised Statutes Supplement, 1993, be amended to read as follows:

83-1,100.01. All equipment, books, files, records, and other property in the possession of the Office of Parole Administration relating to the functions of the Board of Pardons and the Board of Parole, except records maintained by the Secretary of State, on ~~November 1, 1992~~ the operative date of this act, are hereby transferred to the ~~Office of Parole Administration~~ Board of Pardons and the Board of Parole, as appropriate, as of such date.

Sec. 7. That section 83-1,113, Revised Statutes Supplement, 1993, be amended to read as follows:

83-1,113. The Board of Parole and its employees

shall have access at all reasonable times to any committed offender over whom the board may have jurisdiction and shall have means provided for communication with and observing the committed offender. The board shall be furnished such reports as it may require concerning the conduct and character of any committed offender and any other information deemed pertinent by the board in determining whether a committed offender should be paroled.

Sec. 11. That section 83-1,127, Revised Statutes Supplement, 1993, be amended to read as follows:

83-1,127. The Board of Pardons shall:

(1) Exercise the pardon authority as defined in section 83-170 for all criminal offenses except treason and cases of impeachment;

(2) Make rules and regulations for its own administration and operation;

(3) Appoint and remove its employees and delegate appropriate powers and duties to them;

(4) Consult with the Board of Parole concerning applications for the exercise of pardon authority; and

(5) ~~(4)~~ Exercise all powers and perform all duties necessary and proper in carrying out its responsibilities under the provisions of the Nebraska Treatment and Corrections Act.

Sec. 14. This act shall become operative on July 1, 1994.

Sec. 15. That original sections 83-189, 83-1,126, 83-1,126.01, 83-1,129, and 83-1,130, Reissue Revised Statutes of Nebraska, 1943, section 83-1,118, Revised Statutes Supplement, 1992, sections 29-2264, 83-188, 83-192, 83-1,100, 83-1,100.01, 83-1,113, and 83-1,127, Revised Statutes Supplement, 1993, and also section 83-1,127.01, Revised Statutes Supplement, 1993, are repealed.".

2. On page 1, line 2, strike "29-2264" and insert "83-189"; in line 5 after "sections" insert "29-2264,"; strike beginning with "83-1,113" in line 5 through "1992" in line 10 and insert "83-1,100.01, 83-1,113, and 83-1,127, Revised Statutes Supplement, 1993"; and in line 13 after the comma insert "the chairperson of the Board of Parole,".

3. On page 2, strike beginning with "8" in line 4 through "1992" in line 5 and insert "83-1,127.01, Revised Statutes Supplement, 1993".

4. Renumber the remaining sections accordingly.

Mr. Chambers asked unanimous consent to print the following amendment to LB 677A in the Journal. No objections. So ordered.

AM2655

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated (1) $353,584 from the General Fund for FY1994-95 and (2) $313,584 from the General Fund for FY1995-96 to the Board of Parole, for Program 358, to aid in carrying out the provisions of Legislative Bill 677, Ninety-third Legislature, Second Session, 1994.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $227,631 for FY1994-95 or $227,631 for FY1995-96.

Sec. 2. That original Laws 1993, LB 541, section 138, be amended to read as follows:

Sec. 138. AGENCY NO. 46 -- DEPARTMENT OF CORRECTIONAL SERVICES

Program No. 360 - Operations

	FY1993-94	FY1994-95
~~GENERAL FUND~~	~~61,341,369~~	~~62,085,826~~
GENERAL FUND	61,341,369	61,824,024
CASH FUND	681,868	680,568
FEDERAL FUND est.	636,587	632,910
REVOLVING FUND est.	5,686,003	5,809,179
~~PROGRAM TOTAL~~	~~68,345,827~~	~~69,208,483~~
~~SALARY LIMIT~~	~~36,807,883~~	~~37,964,084~~
PROGRAM TOTAL	68,345,827	68,946,681
SALARY LIMIT	36,807,883	37,785,872

The salary limitations provided by this section do not include Revolving Fund salaries. There are no salary limitations for Revolving Fund program classifications 390 and 563.

The Department of Administrative Services shall monitor appropriations and expenditures for this program according to the following program classifications:

No. 364 - Juvenile Parole Administration
No. 368 - Lincoln Community Corrections Center
No. 369 - Omaha Community Corrections Center
No. 370 - Central Office
No. 371 - Youth Development Center-Geneva
No. 372 - Nebraska State Penitentiary
No. 373 - Nebraska Center for Women - York
No. 374 - Youth Development Center-Kearney
No. 376 - Lincoln Correctional Center
No. 377 - Omaha Correctional Center
No. 378 - Hastings Correctional Center
No. 383 - Lincoln Treatment Facility
No. 389 - Adult Parole Administration
No. 390 - Federal Surplus Property

No. 563 - Correctional Industries

Revolving Fund expenditures shall not be limited to the amounts shown.

The unexpended General Fund balance existing on June 30, 1993, is hereby reappropriated.

It is intended that the Department of Correctional Services shall maintain a Department Contingency Fund and a Department Equipment Fund.

Sec. 3. This act shall become operative on July 1, 1994.

Sec. 4. That original Laws 1993, LB 541, section 138, is repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, line 1, after the semicolon insert "to amend Laws 1993, LB 541, section 138;"; in line 3 strike "First Session, 1993" and insert "Second Session, 1994"; and in line 4 after the semicolon insert "to provide an operative date; to repeal the original section;".

VISITORS

Visitors to the Chamber were Robert Coupland from Valentine and Tim Becker from Berlin, Germany; and 20 members of Leadership Columbus.

ADJOURNMENT

At 11:48 a.m., on a motion by Mr. Moore, the Legislature adjourned until 9:00 a.m., Monday, February 28, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-SECOND DAY - FEBRUARY 28, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 28, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Fred Gersh, St. John Lutheran Church, Seward, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Avery, Bernard-Stevens, Beutler, Chambers, Kristensen, Landis, Lindsay, Schellpeper, Will, Mmes. Hillman, and Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-first day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 25, 1994, at 2:15 p.m., were the following bills: 407, 416, 451, 490, 934, 1019, 1027, 424, 28, 254, 608, and 608A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

REPORT

Received report from the Department of Social Services on use of Federal Block Grant Funds and Supplemental Funds as required by Section 96 of Legislative Bill 541, 1993.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 318 and LR 320.

GENERAL FILE

LEGISLATIVE BILL 1290. Mr. Moore moved to bracket LB 1290 until March 2, 1994.

MRS. CROSBY PRESIDING

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Moore withdrew his motion to bracket.

Messrs. Wickersham and Warner renewed their pending amendment, AM3360, found in the Journal on page 823.

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

The Wickersham-Warner amendment was adopted with 29 ayes, 1 nay, 10 present and not voting, and 9 excused and not voting.

Mr. Warner asked unanimous consent to bracket LB 1290 until March 2, 1994. No objections. So ordered.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 975. Placed on General File.
LEGISLATIVE BILL 1170. Placed on General File.

LEGISLATIVE BILL 1038. Indefinitely postponed.
LEGISLATIVE BILL 1125. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 885A. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 885, Ninety-third Legislature, Second Session, 1994.

GENERAL FILE

LEGISLATIVE BILL 1337. Title read. Considered.

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

SPEAKER WITHEM PRESIDING

Mr. Bromm moved the previous question. The question is, "Shall the debate now close?" The motion lost with 11 ayes, 9 nays, and 29 not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1160. Title read. Considered.

Standing Committee amendment, AM3282, found in the Journal on page 815, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

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

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 1067. Placed on General File as amended.
Standing Committee amendment to LB 1067:
AM3385

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 5, strike lines 6 through 13 and insert the following new subsection:

"(4) Any bank may purchase or take an interest in life insurance contracts for any purpose incidental to the business of banking. A bank's purchase of any life insurance contract, as measured by its cash surrender value, from any one life insurance company shall not at any time exceed

twenty-five percent of the paid-up capital, surplus, and capital notes and debentures of such bank or fifteen percent of the paid-up capital, surplus, undivided profits, and capital notes and debentures of such bank, whichever is greater. A bank's purchase of life insurance contracts, as measured by their cash surrender values, in the aggregate from all life insurance companies shall not at any time exceed thirty-five percent of the paid-up capital, surplus, undivided profits, and capital notes and debentures of such bank. The limitations under this subsection on a bank's purchase of life insurance contracts, in the aggregate from all life insurance companies, shall not apply to any contract purchased prior to the effective date of this act.".

(Signed) David Landis, Chairperson

Transportation

LEGISLATIVE BILL 1095. Placed on General File.

(Signed) Doug Kristensen, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 683. Placed on Select File as amended.
(E & R amendment, AM5677, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 1129. Placed on Select File as amended.
E & R amendment to LB 1129:
AM5673

1. On page 1, line 3, after the last semicolon insert "to harmonize provisions;".
2. On page 2, line 6, strike "sections 2 and" and insert "this section and section"; and in line 16 strike the comma.

LEGISLATIVE BILL 1250. Placed on Select File as amended.
(E & R amendment, AM5678, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 1275. Placed on Select File as amended.
E & R amendment to LB 1275:
AM5676

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 77-1311, Revised Statutes Supplement, 1992, be amended to read as follows:

77-1311. The county assessor shall have general supervision over and direction of the assessment of all property in his or her county. In addition to the other duties provided by law, the county assessor shall:

(1) Annually revise the real property assessment for the correction of errors and, when properties have been assessed as entities and afterward part or parts transferred to other parties, set off and apportion to each its just and equitable portion of the valuation;

(2) Obey all rules and regulations made under Chapter 77 and the instructions sent out by the State Board of Equalization and Assessment or the Tax Commissioner;

(3) Examine the records in the office of the register of deeds and county clerk for the purpose of ascertaining whether mortgages on real property and security interests on personal property, producing mineral leases, title notes, contracts, and bills of sale, intended to operate as a lien in the county, have been fully and correctly listed and add to the assessment roll any which have been omitted, belonging to residents of his or her county, and not otherwise assessed, upon notice to the owner thereof or his or her agents;

(4) Examine the records in the office of the county judge and ascertain whether the property belonging to minors, persons with mental retardation or a mental disorder, and estates of deceased persons has been fully and correctly listed and add to or change any such assessments so that the same shall be fully assessed;

(5) Examine the records in the office of the clerk of the district court to ascertain whether any judgments or liens thereon filed, belonging to residents of his or her county and not otherwise assessed, have been omitted from the assessment rolls and, in case of any such omission, add the same to the assessment roll after notice to the owner; ~~and~~

(6) Make up the assessment books as provided in section 77-1303; and

(7) Provide access to the public to property record cards and allow facsimiles to be reproduced, at cost, to the requesting individual.

Sec. 2. That section 77-1327, Revised Statutes Supplement, 1992, be amended to read as follows:

77-1327. (1) It is the intent of the Legislature that accurate and comprehensive information be made accessible to the taxpayer in order to ensure the quality and uniformity of assessment practices on both intercounty and intracounty valuations.

(2) The Tax Commissioner annually shall make and

issue comprehensive assessment ratio studies of the average level of assessment, the degree of assessment uniformity, and overall compliance with assessment requirements for each major class of real property and for mobile homes and cabin trailers subject to the property tax in each county in the state. In order to determine the degree of assessment uniformity and compliance in the assessment of major classes of property within each county, the Tax Commissioner shall compute measures of central tendency and dispersion and shall employ such standard statistical analysis as deemed appropriate by him or her.

~~(2)~~ (3) The Tax Commissioner may require assessors and other local officers to report to him or her data on taxable valuations and other features of the property tax for such periods and in such form and content as the Tax Commissioner shall require. The Tax Commissioner shall so construct and maintain his or her system for the collection and analysis of property tax facts as to enable him or her to make intracounty comparisons, including school districts, as well as intercounty comparisons, including school districts, based on property tax and assessment ratio data. The Department of Revenue shall assist those county officials who require supplemental information to perform the duties necessary to carry out this section. The information requested may include, but shall not be limited to, sample appraisals, statistical analyses, arm's-length sales transactions, or any other information necessary to complete such analysis.

(4) The Tax Commissioner shall verify the accuracy of information, including the selection of form 521 comparable sales, if any, that are not arm's-length transactions.

~~(3)~~ (5) The Tax Commissioner shall annually publish ~~annually~~ a summary of the findings of the assessment ratio studies together with digests of property tax data.

~~(4)~~ (6) The county assessor shall annually, within fifteen days after certifying the assessment rolls pursuant to section 77-1315, post ~~annually~~ in his or her office and publicize in a newspaper of general circulation in the county the assessment ~~ratio~~ ratios as found in his or her county as determined by the Tax Commissioner and any other statistical measures, including, but not limited to, the assessment-to-sales ratio, the coefficient of dispersion, and the price-related differential.

Sec. 3. That original sections 77-1311 and 77-1327, Revised Statutes Supplement, 1992, are repealed.".

2. On page 1, line 1, strike "section" and insert "sections 77-1311 and"; and on line 3 after "to" insert "provide access to property record cards and".

(Signed) Janis M. McKenzie, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 1287A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1993, LB 541, section 227; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1287, Ninety-third Legislature, Second Session, 1994; to state intent; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 319. Read. Considered.

Mr. Chambers requested that a majority of the elected members be required for the adoption of LR 319, pursuant to Rule 4, Section 5.

Mr. Wesely renewed his pending amendment, AM4027, found in the Journal on page 889.

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

Mrs. Witek raised a point of order on whether resolutions, other than those introduced pursuant to Rule 4, Section 2, are amendable by the Legislature.

The Chair ruled that such resolutions are open to amendment.

Mr. Chambers offered the following amendment to the Wesely pending amendment:
FA383
Amend AM4027:
In line 6, strike "information and".

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

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 436, 436A, 876, 877, 878, and 1025.

(Signed) Janis M. McKenzie, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 900A. Introduced by Day, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 900, Ninety-third Legislature, Second Session, 1994.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LB 1224. No objections. So ordered.

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 1200. No objections. So ordered.

VISITORS

Visitors to the Chamber were 68 second grade students, teacher, and sponsor from Everett Elementary School, Lincoln; and 50 high school foreign exchange students and their sponsors.

RECESS

At 11:59 a.m., on a motion by Mrs. Bohlke, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beutler, Byars, Cudaback, Dierks, Hall, Jones, Kristensen, Landis, Lindsay, Matzke, Pedersen, Schmitt, Wickersham, Will, Mmes. Bohlke, McKenzie, Pirsch, Robak, Witek, Mses. Day, and Schimek who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 1231. Placed on General File.

LEGISLATIVE BILL 901. Placed on General File as amended. (Standing Committee amendment, AM4019, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 984. Placed on General File as amended. (Standing Committee amendment, AM3408, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 879. Indefinitely postponed.
LEGISLATIVE BILL 937. Indefinitely postponed.
LEGISLATIVE BILL 983. Indefinitely postponed.
LEGISLATIVE BILL 1151. Indefinitely postponed.
LEGISLATIVE BILL 1159. Indefinitely postponed.
LEGISLATIVE BILL 1301. Indefinitely postponed.
LEGISLATIVE BILL 1316. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 665 in the Journal. No objections. So ordered.

AM4030

(Amendments to AM2690)

1. On page 3, line 26, after "action" insert ", claim, cross-claim, or counterclaim".

2. On page 4, strike beginning with "damages" in line 5 through "plaintiff" in line 6 and insert "the plaintiff may recover damages, including costs and attorney's fees, only if he or she".

REPORT

Received annual report from the Nebraska School Finance Review Committee regarding Tax Equity and Educational Opportunities Support Act (LB 1059, 1990) as required by State Statute Section 79-3823.

UNANIMOUS CONSENT - Member Excused

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 319. The Chambers pending amendment, FA383, found in the Journal on page 907, to the Wesely pending amendment, AM4027, found in the Journal on page 889, was renewed.

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

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?"

Mr. Wesely moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Wesely requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 13:

Abboud	Hudkins	Schellpeper	Wehrbein	Wickersham
Dierks	McKenzie	Vrtiska	Wesely	Withem
Haberman	Monen	Warner		

Voting in the negative, 3:

Bromm	Chambers	Crosby

Present and not voting, 14:

Ashford	Bohlke	Hartnett	Lynch	Rasmussen
Avery	Coordsen	Hillman	Moore	Robinson
Bernard-Stevens	Engel	Janssen	Preister	

Absent and not voting, 1:

Fisher

Excused and not voting, 18:

Beutler	Day	Jones	Lindsay	Pirsch
Byars	Elmer	Kristensen	Matzke	Robak
Cudaback	Hall	Landis	Pedersen	Schimek

Schmitt	Will	Witek

The motion to cease debate lost with 13 ayes, 3 nays, 14 present and not voting, 1 absent and not voting, and 18 excused and not voting.

The Chair declared the call raised.

Messrs. Abboud, Haberman, and Mrs. Pirsch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Bernard-Stevens	Chambers	Lynch	Rasmussen	Will
Bohlke	Crosby	McKenzie	Wesely	Withem
	Hudkins	Preister	Wickersham	

Voting in the negative, 11:

Bromm	Hartnett	Monen	Schellpeper	Warner
Coordsen	Janssen	Moore	Vrtiska	Wehrbein
Dierks				

Present and not voting, 6:

Ashford	Elmer	Engel	Hillman	Robinson
Avery				

Absent and not voting, 1:

Fisher

Excused and not voting, 18:

Abboud	Day	Kristensen	Pedersen	Schimek
Beutler	Haberman	Landis	Pirsch	Schmitt
Byars	Hall	Lindsay	Robak	Witek
Cudaback	Jones	Matzke		

The Chambers amendment lost with 13 ayes, 11 nays, 6 present and not voting, 1 absent and not voting, and 18 excused and not voting.

Pending.

The Chair declared the call raised.

ANNOUNCEMENT

The Chair announced today is Senator McKenzie's birthday.

RESOLUTION

LEGISLATIVE RESOLUTION 319. The Wesely pending amendment, AM4027, found in the Journal on page 889 and considered on page 907, was renewed.

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

MR. WICKERSHAM PRESIDING

The Wesely amendment lost with 3 ayes, 20 nays, 8 present and not voting, and 18 excused and not voting.

Mr. Chambers offered the following amendment:
FA384
Amend as follows:
In the first WHEREAS, after "destination", strike all language through "expression"; and insert, "of many immigrants".

SPEAKER WITHEM PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 4:

Chambers	Hall	McKenzie	Will

Voting in the negative, 22:

Avery	Coordsen	Haberman	Moore	Wehrbein
Bernard-Stevens	Crosby	Hartnett	Schellpeper	Wesely
Bohlke	Dierks	Hudkins	Vrtiska	Wickersham
Bromm	Elmer	Janssen	Warner	Withem
	Engel	Monen		

Present and not voting, 5:

Ashford	Hillman	Lynch	Preister	Rasmussen

Absent and not voting, 1:

Fisher

Excused and not voting, 17:

Abboud	Day	Lindsay	Pirsch	Schimek
Beutler	Jones	Matzke	Robak	Schmitt
Byars	Kristensen	Pedersen	Robinson	Witek
Cudaback	Landis			

The Chambers amendment lost with 4 ayes, 22 nays, 5 present and not voting, 1 absent and not voting, and 17 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 1028. Placed on General File.
LEGISLATIVE BILL 1213. Placed on General File.

LEGISLATIVE BILL 1178. Placed on General File as amended.
Standing Committee amendment to LB 1178:
AM4011

1. Insert the following new section:

"Sec. 2. (1) The Legislature hereby finds that there are too few appropriately trained mental health professionals to meet the needs of Nebraskans with severe, persistent, and disabling psychiatric disorders. The Legislature further finds that the present practice of using highly paid, technically trained psychiatrists in the administrative positions of the public mental health system is not cost-effective. It is the intent of the Legislature to ensure the most effective utilization of the limited numbers of mental health professionals available to the public mental health system.

(2) The Department of Public Institutions shall adopt and promulgate rules and regulations to require all state-funded residential psychiatric services operated by or through the department to utilize a multidisciplinary professional staff administrative model. All categories of professional staff involved in psychiatric rehabilitation services shall be integrated into the administrative structure of the regional center if qualified by their direct administrative or management experience or training. Preference shall be given to the most cost-efficient use of professional staff in administrative positions or roles.".

2. On page 2, line 9, after "for" insert "and implement"; and in line 16 strike "produce" through "service" and insert "develop a case coordination services".

LEGISLATIVE BILL 966. Indefinitely postponed.
LEGISLATIVE BILL 973. Indefinitely postponed.
LEGISLATIVE BILL 1179. Indefinitely postponed.
LEGISLATIVE BILL 1180. Indefinitely postponed.
LEGISLATIVE BILL 1296. Indefinitely postponed.

The Committee on Health and Human Services desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Dr. Henry Balters - Board of Health

VOTE: Aye: Senators Byars, Matzke, Rasmussen, and Wesely. Absent: Senators Day, Dierks, and Vrtiska.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Crosby and Mr. Hartnett asked unanimous consent to print the following amendment to LB 1275 in the Journal. No objections. So ordered.

AM4015

(Amendments to E & R amendments, AM5676)

1. Insert the following new section:

"Sec. 3. That section 84-712.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-712.01. (1) Except ~~where~~ when any other statute expressly provides that particular information or records shall not be made public, public records shall include all records and documents, regardless of physical form, of or belonging to this state, any county, city, village, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing. Data which is a public record in its original form shall remain a public record when maintained in computer files.

(2) When a custodian of a public record of a county which has a population of one hundred thousand inhabitants or more as determined by the most recent federal decennial census provides to a member of the public, upon request, a copy of the public record by transmitting it from a modem to an outside modem, a reasonable fee may be charged for such

specialized service. Such fee may include a reasonable amount representing a portion of the amortization of the cost of computer equipment, including software, necessarily added in order to provide such specialized service. This subsection shall not be construed to require a governmental entity to acquire computer capability to generate public records in a new or different form when that new form would require additional computer equipment or software not already possessed by the governmental entity.

(3) ~~(2)~~ Sections 84-712 to 84-712.03 shall be liberally construed whenever any state, county, or political subdivision fiscal records, audit, warrant, voucher, invoice, purchase order, requisition, payroll, check, receipt or other record of receipt, cash, or expenditure involving public funds is involved in order that the citizens of this state shall have the full ~~rights~~ right to know of, and have full access to information on the public finances of the government and the public bodies and entities created to serve them.".

2. On page 4, line 17, after "original" insert "section 84-712.01, Reissue Revised Statutes of Nebraska, 1943, and".

3. Renumber the remaining section accordingly.

Mr. Wickersham asked unanimous consent to print the following amendment to LB 902 in the Journal. No objections. So ordered.

AM4021

1. On page 3, line 22, after "(2)" insert "After reasonable notice and hearing, members of an agricultural and horticultural land valuation board may be removed by the State Board of Equalization and Assessment for inefficiency, neglect of duty, misconduct, or incapacity to carry out the duties of a board member.

(3)".

2. On page 4, line 7, strike "as are" and insert "and maintain an office as"; and in line 8 after "duties" insert ". All original files, records, and property of the board shall be maintained at such office".

3. On page 6, line 7, strike "county clerk" and insert "board"; and in line 13 after "served" insert "upon the chairperson of the board".

4. on page 9, line 14, after "to" insert "remove members of an agricultural and horticultural land valuation board pursuant to section 3 of this act and"; and in lines 14 and 15 strike "an agricultural and horticultural land valuation" and insert "a".

MESSAGE FROM THE GOVERNOR

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 254 was received in my office on February 25, 1994.

This bill was signed by me on February 28, 1994, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

RESOLUTION

LEGISLATIVE RESOLUTION 319. Mr. Chambers offered the following amendment:
FA385

Amend as follows:

In the second WHEREAS, strike, "provided" and insert, "protected"; strike, "carefully" and insert, "narrowly"; strike, "limits of" and insert, "limitations on"; after "instances have", strike the remaining language through "debate", and insert, "been permitted".

Messrs. Bromm and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Mr. Coordsen offered the following amendment:
FA386

Amend as follows:

In the second WHEREAS, strike, "provided" and insert, "protected"; strike, "carefully" and insert, "narrowly"; strike, "limits of" and insert, "limitations on"; after "instances have", strike the word "in" and insert "of"; strike the language which reads "as well as providing order and value to public debate"

Mr. Coordsen moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Coordsen requested a roll call vote on his amendment.

Voting in the affirmative, 28:

Ashford	Coordsen	Haberman	McKenzie	Warner
Avery	Crosby	Hartnett	Moore	Wehrbein
Bernard-Stevens	Dierks	Hillman	Preister	Wickersham
Bohlke	Elmer	Hudkins	Rasmussen	Will
Chambers	Engel	Janssen	Schellpeper	Withem
	Fisher	Lynch	Vrtiska	

Voting in the negative, 0.

Present and not voting, 1:

Monen

Absent and not voting, 1:

Hall

Excused and not voting, 19:

Abboud	Cudaback	Landis	Pirsch	Schmitt
Beutler	Day	Lindsay	Robak	Wesely
Bromm	Jones	Matzke	Robinson	Witek
Byars	Kristensen	Pedersen	Schimek	

The Coordsen amendment was adopted with 28 ayes, 0 nays, 1 present and not voting, 1 absent and not voting, and 19 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:
FA387
In 3rd "Whereas", strike "free" and insert "freedom of"; strike "decency" and insert "order", and strike remaining language through "others"

Mr. Chambers moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Chambers amendment was adopted with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

Pending.

The Chair declared the call raised.

EASE

The Legislature was at ease from 4:13 p.m. until 4:15 p.m.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1313A. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1313, Ninety-third Legislature, Second Session, 1994.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 920. Placed on General File as amended.
Standing Committee amendment to LB 920:
AM3417

1. On page 2, line 6, strike "sixty" and insert "ninety".

LEGISLATIVE BILL 1333. Placed on General File as amended.
Standing Committee amendment to LB 1333:
AM3418

1. Strike original section 1 and insert the following new section:

"Section 1. Beginning with the 1995 Legislative Session, the Judiciary Committee of the Legislature shall develop and implement a justice system impact statement for each legislative bill that directly affects the criminal justice system in Nebraska. The statement shall be designed to examine and analyze the impact on the workload of every element of the criminal and civil justice system. The committee shall consult with the Legislative Fiscal Analyst to examine and analyze the impact on the funding of every element of the criminal and civil justice system. The statement shall identify the impact on law enforcement, prosecution, indigent defense, courts, probation, local corrections, and state corrections. The statement shall also identify and quantify the direct and indirect costs in resources and revenue to all components of the criminal justice system. The statement shall also identify the specific financial impact on other governmental agencies which may be required to react to the changes to the justice system.".

LEGISLATIVE BILL 1342. Placed on General File as amended.
Standing Committee amendment to LB 1342:
AM4034

1. On page 2, strike beginning with "The" in line

23 through line 25.

2. On page 3, lines 8 and 9, strike the new matter.

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Avery asked unanimous consent to print the following amendment to LB 988 in the Journal. No objections. So ordered.

AM3409

(Amendments to AM4007)

1. On page 1, line 6, after "age" insert "and who may legally possess a handgun".

Mr. Hartnett asked unanimous consent to print the following amendment to LB 1139 in the Journal. No objections. So ordered.

AM3425

(Amendments to Standing Committee amendments, AM3252)

1. On page 4, line 9, after "village" insert "or outside the boundaries of the county"; and in lines 13 and 19 strike "sections" and insert "act".

2. On page 5, line 4, after the period insert "Prior to adopting the resolution, the county board may conduct feasibility studies on sewerage system development and receive preliminary cost estimates on such development."; and in line 19 after "county" insert "and inform such clerks".

3. On page 12, line 18, after the period insert paragraphing.

4. On page 13, line 16; and page 20, line 24, strike "sections" and insert "act".

5. On page 21, line 26, strike "labilities" and insert "liabilities".

6. On page 22, line 1, strike "or" and insert an underscored comma; and in line 4 after "village" insert ", or may agree that the county shall continue to own and operate the entire system despite the annexation by the city or village of a portion of the system".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 884 in the Journal. No objections. So ordered.

(Amendment, AM3422, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Lindsay and Mrs. Crosby asked unanimous consent to print the following amendment to LB 903 in the Journal. No objections. So ordered.

AM4022

(Amendments to Standing Committee amendments, AM2834)

1. Insert the following new section:

"Section 1. That section 24-201.01, Revised Statutes Supplement, 1992, be amended to read as follows:

24-201.01. On July 1, ~~1989~~ 1992, the salary of the Chief Justice and judges of the Supreme Court shall be ~~sixty-six~~ eighty-eight thousand ~~six~~ one hundred ~~eighty-eight~~ fifty-seven dollars and ~~eighty-four~~ thirty cents. On January 5, 1995, the salary shall be increased by three percent of the salary received immediately prior to such date. On January 1, 1996, the salary shall be increased by three percent of the salary authorized immediately prior to such date. ~~On July 1, 1990, the salary shall be increased by five percent of the salary received immediately prior to such date. On January 3, 1991, the salary shall be increased to seventy-seven thousand dollars. On July 1, 1991, the salary shall be increased by seven percent of the salary received immediately prior to such date. On July 1, 1992, the salary shall be increased by seven percent of the salary received immediately prior to such date.~~

The Chief Justice and the judges of the Supreme Court shall hold no other public office of profit or trust during their terms of office nor accept any public appointment or employment under the authority of the government of the United States for which they receive compensation for their services.

Such salaries shall be payable in equal monthly installments.".

2. On page 4, line 19, after "original" insert "section 24-201.01, Revised Statutes Supplement, 1992, and".

3. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 319. Mr. Chambers offered the following amendment:

FA388

1. In 4th Whereas after "is" in first line, strike remaining language, and insert "a recognized national symbol.

2. Strike 5th and 6th Whereas entirely.

3. In Resolve 2, strike "of the Congress" after "Senate"

Mr. Coordsen moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Coordsen requested a roll call vote on the Chambers amendment.

Voting in the affirmative, 27:

Ashford	Crosby	Hudkins	Preister	Warner
Avery	Dierks	Janssen	Rasmussen	Wehrbein
Bohlke	Elmer	McKenzie	Robinson	Wickersham
Bromm	Engel	Monen	Schellpeper	Will
Chambers	Haberman	Moore	Vrtiska	Withem
Coordsen	Hartnett			

Voting in the negative, 0.

Present and not voting, 3:

Bernard-Stevens	Hillman	Lynch

Absent and not voting, 2:

Fisher	Hall

Excused and not voting, 17:

Abboud	Day	Lindsay	Pirsch	Schmitt
Beutler	Jones	Matzke	Robak	Wesely
Byars	Kristensen	Pedersen	Schimek	Witek
Cudaback	Landis			

The Chambers amendment was adopted with 27 ayes, 0 nays, 3 present and not voting, 2 absent and not voting, and 17 excused and not voting.

The Chair declared the call raised.

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

Mr. Monen offered the following amendment:
FA389

Add to paragraph 1 page 2 the following,

Physical desecration shall include the burning of the flag and the use or display of the flag on a matchbook cover, used car lot, underwear, cocktail napkins, swizzle stick flags, welcome mats, emblem of Hell's Angel motorcycle jacket, book covers, toilet tissues, any emblem for an organization advocating an alternative life style, or any other commercial purpose

Mr. Landis and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Monen moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Monen requested a roll call vote on his amendment.

Voting in the affirmative, 5:

Chambers	Hall	Lynch	Monen	Withem

Voting in the negative, 16:

Ashford	Elmer	Landis	Robinson	Warner
Avery	Haberman	McKenzie	Schellpeper	Wehrbein
Coordsen	Jones	Rasmussen	Vrtiska	Will
Crosby				

Present and not voting, 11:

Bernard-Stevens	Engel	Hudkins	Moore	Wesely
	Hartnett	Janssen	Preister	Wickersham
Dierks	Hillman			

Absent and not voting, 1:

Fisher

Excused and not voting, 16:

Abboud	Byars	Kristensen	Pedersen	Schimek
Beutler	Cudaback	Lindsay	Pirsch	Schmitt
Bohlke	Day	Matzke	Robak	Witek
Bromm				

The Monen amendment lost with 5 ayes, 16 nays, 11 present and not voting, 1 absent and not voting, and 16 excused and not voting.

Mr. Coordsen requested a roll call vote on the adoption of LR 319.

Voting in the affirmative, 30:

Ashford	Coordsen	Haberman	Kristensen	Schellpeper
Avery	Crosby	Hartnett	Matzke	Schmitt
Bernard-Stevens	Dierks	Hillman	McKenzie	Vrtiska
	Elmer	Hudkins	Moore	Warner
Bromm	Engel	Janssen	Rasmussen	Wehrbein
Byars	Fisher	Jones	Robinson	Wickersham

Will

Voting in the negative, 5:

Chambers	Hall	Landis	Lynch	Monen

Present and not voting, 3:

Preister	Wesely	Withem

Excused and not voting, 11:

Abboud	Cudaback	Lindsay	Pirsch	Schimek
Beutler	Day	Pedersen	Robak	Witek
Bohlke				

LR 319 was adopted with 30 ayes, 5 nays, 3 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 880. Indefinitely postponed.
LEGISLATIVE BILL 931. Indefinitely postponed.
LEGISLATIVE BILL 939. Indefinitely postponed.
LEGISLATIVE BILL 1033. Indefinitely postponed.
LEGISLATIVE BILL 1050. Indefinitely postponed.
LEGISLATIVE BILL 1082. Indefinitely postponed.
LEGISLATIVE BILL 1237. Indefinitely postponed.
LEGISLATIVE BILL 1246. Indefinitely postponed.
LEGISLATIVE BILL 1305. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 1275 in the Journal. No objections. So ordered.

AM4009

(Amendments to E & R amendment, AM5676)

1. On page 4, line 11, strike "publicize in a newspaper" and insert "mail to all newspapers" and after "county" insert "and all broadcast media in the county".

VISITORS

Visitors to the Chamber were Mayor Roger Goldfish and Doug Sedlacek from Ord.

ADJOURNMENT

At 4:56 p.m., on a motion by Mr. Coordsen, the Legislature adjourned until 9:00 a.m., Tuesday, March 1, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-THIRD DAY - MARCH 1, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 1, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Gary Bullard, Church of the Master Presbyterian Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Beutler, Bromm, Kristensen, Landis, Lindsay, Monen, Moore, Warner, Will, Mrs. Rasmussen, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-second day was approved.

UNANIMOUS CONSENT - Member Excused

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

REPORT

Received report from the State Treasurer for November 1993.

GENERAL FILE

LEGISLATIVE BILL 1139. Title read. Considered.

Standing Committee amendment, AM3252, printed separately from the Journal and referred to on page 771, was considered.

Mr. Hartnett renewed his pending amendment, AM3425, found in the Journal on page 919, to the Standing Committee amendment.

The Hartnett amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

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

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 5 present and not voting, and 17 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 1002. Title read. Considered.

Standing Committee amendment, AM3224, found in the Journal on page 792, was considered.

Mr. Robinson offered the following amendment to the Standing Committee amendment:
AM4038

(Amendments to Standing Committee amendments, AM3224)

1. On page 1, line 18, after the period insert "On or before July 1 each year, each private water company shall file a schedule of its rates and charges with the commission and shall also certify to the commission the number of customers it serves.".

The Robinson amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 30 ayes, 0 nays, 6 present and not voting, and 13 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 1207. Title read. Considered.

Standing Committee amendment, AM3115, found in the Journal on page 683, was considered.

Mr. Schellpeper renewed his pending amendment, AM3316, found in the Journal on page 834, to the Standing Committee amendment.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Schellpeper moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Schellpeper requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Bernard-Stevens	Cudaback	Fisher	Kristensen	Robak
Coordsen	Dierks	Jones	Pirsch	Schellpeper

Voting in the negative, 18:

Beutler	Hall	Matzke	Rasmussen	Wickersham
Crosby	Hartnett	McKenzie	Wehrbein	Witek
Day	Janssen	Monen	Wesely	Withem
Elmer	Landis	Pedersen		

Present and not voting, 14:

Avery	Chambers	Lindsay	Preister	Schmitt
Bromm	Engel	Lynch	Robinson	Vrtiska
Byars	Hudkins	Moore	Schimek	

Excused and not voting, 7:

Abboud	Bohlke	Hillman	Warner	Will
Ashford	Haberman			

The Schellpeper amendment lost with 10 ayes, 18 nays, 14 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1074A. Introduced by Landis, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1074, Ninety-third Legislature, Second Session, 1994.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 872, 895, 918, 964, 978, and 1021.

Enrollment and Review Change to LB 895

The following changes, required to be reported for publication in the Journal, have been made:
ER7416

1. On page 1, the matter beginning with "to" in line 3 through the semicolon in line 4 has been struck; and in line 5 "to change a provision relating to the form for certificate of title;" has been inserted after the semicolon.

2. On page 8, in lines 7, 15, and 23, paragraphing has been inserted after the period.

Enrollment and Review Change to LB 964

The following changes, required to be reported for publication in the Journal, have been made:
ER7417

1. On page 1, line 4, "to provide for rules and regulations; to eliminate obsolete provisions;" has been inserted after the semicolon.

(Signed) Janis M. McKenzie, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 322. Introduced by Bromm, 23.

WHEREAS, the David City Aquinas High School wrestling team won the Class C State Wrestling Championship; and

WHEREAS, this was the first wrestling championship in the school's history; and

WHEREAS, the wrestling team and Coach Cecil Hinshaw deserve special recognition for the teamwork and discipline which they displayed throughout the season; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the David City Aquinas High School wrestling team and individual champions Jim Buresh (125 pounds), Curt Helgoth (130 pounds), and John Morbach (140 pounds) be congratulated for their exemplary effort this season and in the State High School Wrestling Tournament.

2. That a copy of this resolution be sent to Coach Cecil Hinshaw and the David City Aquinas High School wrestling team.

Laid over.

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 1232. Placed on General File as amended.
Standing Committee amendment to LB 1232:
AM4037

1. Insert the following new section:

"Section 1. Except as provided in section 79-444.06 and 79-444.07, each board of education and the governing authority of each school in this state shall require that the following students be protected by immunization for the diseases listed in section 79-444.01 prior to November 1 of each school year for original enrollees or, in the case of a student transferring from another school, within sixty days after the enrollment date:

(1) Any student that is the child of an officer or enlisted person on active duty in any branch of the military services of the United States; or

(2) Any student that is a citizen of a foreign country attending a school by reason of his or her participation in an international student exchange program officially recognized by the board of education of the school district.

Any student subject to the provisions of this section who does not comply with this section shall not be permitted to continue in school until he or she complies except as provided by section 79-444.07. Each school district shall make diligent efforts to inform families prior to the date of school registration of the immunization requirements of this section.

Except as provided in the Childhood Vaccine Act, the cost of such immunization shall be borne by the parent or guardian of each student who is immunized or by the Department of Health for those students whose parent or guardian is financially unable to meet such cost.".

2. On page 2, line 4, after "79-444.08" insert "and

section 1 of this act"; in line 7 reinstate the stricken matter; and strike beginning with "November" in line 7 through "date" in line 10.

3. Renumber the remaining sections accordingly.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. HALL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 1207. Mr. Schellpeper withdrew his amendment, AM3314, found in the Journal on page 889.

Mr. Bromm offered the following amendment to the pending Standing Committee amendment:
FA390

Amend the Committee Amendments (AM3115) to strike from "which" on line 4 through "and" on Line 5 on Pg 1.

The Bromm amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

SPEAKER WITHEM PRESIDING

The Standing Committee amendment, as amended, was adopted with 26 ayes, 3 nays, 12 present and not voting, and 8 excused and not voting.

Mrs. Robak offered the following amendment:
FA391

On page 6-Line 17 add: Any political subdivision which owns or operates or has previously owned or operated a landfill or any entity which owns or operates or has previously owned or operated a licensed landfill in the State of Nebraska shall not be charged with unlawful acts under 81-1506 (Cum Supp-1992)

Messrs. Moore and Schmitt asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Robak withdrew her amendment.

Advanced to E & R for review with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 446. Title read. Considered.

Standing Committee amendment, AM2684, printed separately from the Journal and referred to on page 350, was considered.

Mmes. Crosby, Robak, and Mr. Robinson asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

SPEAKER'S ANNOUNCEMENT

After visiting with the introducer of LR 321, and upon my further review, I am rescinding my letter to you dated February 25, 1994, referring LR 321 to the Reference Committee for referral to a standing committee. I do not believe a public hearing is warranted for this resolution.

(Signed) Ron Withem, Speaker

EXPLANATIONS OF VOTE

Had I been present, I would have voted yes on LR 319.

(Signed) Kate Witek

Had I been present, I would have voted yes on LR 319.

(Signed) Dwite Pedersen

UNANIMOUS CONSENT - Print in Journal

Mr. Pedersen asked unanimous consent to print the following amendment to LB 903 in the Journal. No objections. So ordered.

AM4023

(Amendments to Standing Committee amendments, AM2834)

1. Insert the following new section:

"Sec. 3. That section 43-2,119, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-2,119. ~~In~~ (1) Until July 1, 1995, in each county of this state having a population of seventy-five thousand and not more than two hundred thousand population in which a separate juvenile court has been established, there shall be one judge of the separate juvenile court, and in each county of this state having more than two hundred thousand population in which a separate juvenile court has been established, there shall be two judges of the separate juvenile court.

(2) On and after July 1, 1995, in each county of this state having a population of seventy-five thousand and not more than four hundred thousand population in which a separate juvenile court has been established, there shall be two judges of the separate juvenile court, and in each county of this state having a population of four hundred thousand or more in which a separate juvenile court has been established, there shall be three judges of the separate juvenile court.

(3) In counties having two or more judges of the separate juvenile court, upon the swearing in of the second judge, the senior judge in point of service as a juvenile court judge shall be the presiding judge. The judges shall rotate the office of presiding judge every three years unless the judges agree to another system.".

2. On page 4, line 19, after "original" insert "section 43-2,119, Reissue Revised Statutes of Nebraska, 1943, and".

3. Renumber the remaining section accordingly.

Mr. Beutler asked unanimous consent to print the following amendment to LB 1165 in the Journal. No objections. So ordered.

AM3423

1. Strike original section 19 and all amendments thereto.

2. On page 19, line 14, strike "46-613,".

3. Renumber the remaining sections accordingly.

Mr. Kristensen asked unanimous consent to print the following amendment to LB 1129 in the Journal. No objections. So ordered.

AM3441

1. On page 2, strike beginning with "operating" in line 10 through "institution" in line 11 and insert "as defined in subdivision (b) of this subsection"; in line 12 after "forced" insert "and prolonged"; in line 13 after the first underscored comma insert "prolonged"; in line 14 after "substance" insert "not generally intended for human consumption, sleep deprivation" and strike "form of"; in line 15 strike "forced physical activity" and insert "performance of other unlawful acts" and strike "is" and insert "are"; strike beginning with the underscored comma in line 16 through "individual" in line 21; in line 22 strike "the" and insert "an"; in line 23 after "members" insert "organized for social purposes and"; and in line 26 strike "any act" and insert "the offense".

BILLS ON FIRST READING

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

LEGISLATIVE BILL 982A. Introduced by Elmer, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 982, Ninety-third Legislature, Second Session, 1994.

LEGISLATIVE BILL 1222A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1222, Ninety-third Legislature, Second Session, 1994.

VISITORS

Visitors to the Chamber were Senator McKenzie's son, Nathan, and fourth grade students, teachers, and sponsors from Sutton; 18 seniors, teacher, and principal from Wilcox; 40 seventh and eighth grade students and sponsor from Lincoln East Middle School, Lincoln; and 30 high school students and teacher from Wood River.

RECESS

At 12:01 p.m., on a motion by Mr. Hartnett, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Mmes. Bohlke, Crosby, Rasmussen, Robak, Ms. Schimek, Messrs. Haberman, and Hall who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 988. The Avery pending amendment, AM4007, found in the Journal on page 855, was renewed.

Mr. Avery renewed his pending amendment, AM3409, found in the Journal on page 919, to his pending amendment.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

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

Mr. Avery moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Avery requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Ashford	Elmer	Hudkins	Robak	Schmitt
Avery	Engel	Lynch	Schellpeper	Witek
Beutler	Fisher	Pirsch		

Voting in the negative, 24:

Abboud	Chambers	Jones	McKenzie	Wehrbein
Bernard-Stevens	Coordsen	Kristensen	Monen	Wesely
	Crosby	Landis	Moore	Wickersham
Bromm	Cudaback	Lindsay	Schimek	Will
Byars	Dierks	Matzke	Warner	Withem

Present and not voting, 8:

Bohlke	Hartnett	Pedersen	Rasmussen	Robinson
Day	Janssen	Preister		

Excused and not voting, 4:

Haberman	Hall	Hillman	Vrtiska

The Avery amendment lost with 13 ayes, 24 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Ashford withdrew his amendment, FA380, found in the Journal on page 873.

The Avery amendment, AM4007, lost with 4 ayes, 19 nays, 22 present and not voting, and 4 excused and not voting.

Mr. Chambers offered the following amendment:
FA392
Amend AM5659
Page 5, line 16, after "unlawfully", and insert "or without the knowledge and consent of the owner"

The Chambers amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Preister offered the following amendment:
AM3447

(Amendments to E & R amendments, AM5659)

1. On page 16, line 1, after the period insert "Any contract exceeding one million dollars to construct a secure confinement facility shall include a requirement for a construction cost consultant to review the project plans and specifications to identify high-cost items and to recommend cost-saving alternatives.".

Mr. Preister withdrew his amendment.

Mr. Beutler offered the following amendment:
AM4020

(Amendments to E & R amendment, AM5659)

1. On page 2, strike beginning with "If" in line 23 through line 27.

2. On page 4, line 26, after "section" insert "or section 3 of this act".

3. On page 5, line 19, after the first "of" insert "possession of a revolver in violation of section 28-1204, unlawful transfer of a firearm to a juvenile, or"; and in line 20 after the period insert "No firearm having significant antique value or historical significance as determined by the Nebraska State Historical Society shall be destroyed. If a firearm has significant antique value or historical significance it shall be sold at auction and the proceeds deposited in the permanent school fund.".

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

The Beutler amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Abboud offered the following amendment:
AM3438

1. Strike the Chambers amendment, AM3370.

MRS. CROSBY PRESIDING

Mr. Pedersen moved the previous question. The question is, "Shall the debate now close?"

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

Mr. Pedersen moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The motion to cease debate prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Abboud requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Abboud	Cudaback	Fisher	Jones	Vrtiska
Ashford	Dierks	Haberman	Schellpeper	Warner
Coordsen	Elmer	Hudkins	Schmitt	Witek

Voting in the negative, 31:

Avery	Chambers	Kristensen	Monen	Robinson
Bernard-Stevens	Crosby	Landis	Pedersen	Schimek
	Day	Lindsay	Pirsch	Wehrbein
Beutler	Engel	Lynch	Preister	Wesely
Bohlke	Hall	Matzke	Rasmussen	Will
Bromm	Hartnett	McKenzie	Robak	Withem
Byars	Janssen			

Excused and not voting, 3:

Hillman	Moore	Wickersham

The Abboud amendment lost with 15 ayes, 31 nays, and 3 excused and not voting.

Pending.

The Chair declared the call raised.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 621, 874, 899, 925, 938, 948, 977, 1001, 1001A, 1004, and 1004A.

Enrollment and Review Change to LB 874

The following changes, required to be reported for publication in the Journal, have been made:
ER7420

1. In the E & R amendment, AM5655, on page 1, lines 2 and 16, "81-1,113" has been struck and "81-8,113" inserted.

2. On page 1, line 7, "meetings" has been struck and "membership, meetings," inserted; and in line 9 "and certificate renewal" has been struck and "certificate renewal, nonresident registrants, and seals; to provide powers for the Governor; to provide powers and duties for the board of examiners" inserted.

3. On page 4, line 11, "or" has been inserted after the last comma; and in line 12 the comma has been struck.

Enrollment and Review Change to LB 977

The following changes, required to be reported for publication in the Journal, have been made:
ER7419

1. In the E & R amendment, AM5661, on page 1, line 8, "nonrefundable" has been struck.

Enrollment and Review Change to LB 1004

The following changes, required to be reported for publication in the Journal, have been made:
ER7418

1. On page 1, line 1, "the Secretary of State" has been struck and "fees" inserted.

(Signed) Janis M. McKenzie, Chairperson

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 1176. Placed on General File as amended.
Standing Committee amendment to LB 1176:
AM3415

1. One page 2, line 11, strike "treatment" and insert "practice".

LEGISLATIVE BILL 1241. Placed on General File as amended.
Standing Committee amendment to LB 1241:
AM3434

1. Insert the following new section:
"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".
2. On page 7, strike beginning with "security" in line 17 through line 18 and insert "United States Series EE

Savings Bond is"; and in line 20 strike ", other than a security".

LEGISLATIVE BILL 223. Indefinitely postponed.
LEGISLATIVE BILL 1235. Indefinitely postponed.
LEGISLATIVE BILL 1286. Indefinitely postponed.

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Witek asked unanimous consent to print the following amendment to LB 1250 in the Journal. No objections. So ordered.

AM3461

(Amendments to E & R amendments, AM5678)

1. On page 14, line 4, after "weapon" insert "including when a complaint has been filed by a prosecutor in a court of competent jurisdiction regarding such activity occurring off school grounds not at an educational function or event".

Ms. Schimek asked unanimous consent to print the following amendment to LB 76 in the Journal. No objections. So ordered.

(Amendment, AM3375, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

SELECT FILE

LEGISLATIVE BILL 988. Mr. Bernard-Stevens offered the following amendment:
FA393
Add the emergency clause.

Mr. Pedersen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

The Bernard-Stevens amendment was adopted with 31 ayes, 2 nays, 13 present and not voting, and 3 excused and not voting.

Mrs. Witek moved to bracket LB 988 until March 8, 1994.

Mr. Pedersen asked unanimous consent to be excused. No objections. So ordered.

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

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mrs. Witek withdrew her motion to bracket LB 988.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 988A. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1993, LB 541, section 138; to appropriate funds to aid in carrying out the provisions of Legislative Bill 988, Ninety-third Legislature, Second Session, 1994; to harmonize provisions; and to repeal the original section, and also Laws 1993, LB 627A, section 1.

LEGISLATIVE BILL 1362. Introduced by Speaker Withem, 14, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3507, Reissue Revised Statutes of Nebraska, 1943, and section 77-3508, Revised Statutes Supplement, 1992; to change the income requirements for homestead exemptions; to create the Homestead Exemption Study Committee; to provide for termination of the committee; to provide operative dates; and to repeal the original sections.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 1250 in the Journal. No objections. So ordered.

AM3442

(Amendments to E & R amendment, AM5678)

1. On page 2, strike beginning with "as" in line 24 through "Act" in line 25.

2. On page 7, line 8, after "evaluation" insert "upon the written consent of a parent or guardian to such counseling or evaluation".

3. On page 11, line 9, after the period insert "Each public school district shall develop and adopt guidelines stating the criteria school officials shall use in

determining whether and to what extent such opportunity for completion will be granted to suspended students. The guidelines shall be provided to the student and parent or guardian at the time of suspension.".

Mr. Withem asked unanimous consent to print the following amendment to LB 76 in the Journal. No objections. So ordered.

AM3376

1. Strike original sections 227 and 232 and all amendments thereto and insert the following new sections:

"Sec. 225. (1) If the names of candidates properly filed for nomination at the primary election for directors of natural resources districts, directors of public power districts, directors of reclamation districts, members of community college area boards of governors, members of the boards of educational service units, members of the boards of school districts, and officers of cities of the first or second class and villages do not exceed two candidates for each position to be filled, any such candidates shall be declared nominated and their names shall not appear on any primary election ballots. The official abstract of votes kept by the county or state shall show the names of such candidates with the statement Nominated Without Opposition. The election commissioner or county clerk shall place the names of such automatically nominated candidates on the general election ballot as provided in section 228 of this act.

(2) In public power districts receiving annual gross revenue of less than forty million dollars, the candidates for the board of directors shall not appear on the ballot in the primary election.

(3) If the number of candidates for delegates to a county or national political party convention are the same in number or less than the number of candidates to be elected, the names shall not appear on the primary election ballot and those so filed shall receive a certificate of election.

Sec. 230. (1) A blank space shall be provided at the end of each office division on the ballot for registered voters to write in the name of any person for whom they wish to vote and whose name is not printed upon the ballot, except that (a) at the primary election there shall be no write-in space for delegates to the county political party convention, delegates to the national political party convention, directors of natural resources districts, or directors of public power districts and (b) at the general election there shall be no write-in space for President and Vice President of the United States, directors of reclamation districts, or members of the board of educational service units. A square or oval shall be printed to the left of each write-in space

similar to the square or oval placed before other candidates and issues on the ballot. The square or oval shall be marked to vote for a write-in candidate whose name appears in the write-in space provided.

(2) The Secretary of State shall approve write-in space for voting machines and punch card and optical-scan ballots. Adequate provision shall be made for write-in votes sufficient to allow one write-in space for each office to be elected at any election except offices for which write-in votes are specifically prohibited. The write-in ballot shall clearly identify the office for which such write-in vote is cast. The write-in space shall be a part of the official ballot, may be on the envelope or a separate piece of paper from the printed portion of the ballot, and shall allow the voter adequate space to write in the name of the candidate for whom he or she desires to cast his or her ballot.".

Mr. Wickersham asked unanimous consent to print the following amendment to LB 446 in the Journal. No objections. So ordered.

AM3452

(Amendments to Standing Committee amendments, AM2684)

1. On page 9, line 23, strike "two" and insert "four".

RESOLUTION

LEGISLATIVE RESOLUTION 323. Introduced by Moore, 24; Wesely, 26.

WHEREAS, Bill Bowlin provided sustenance, a friendly smile, and a cheerful word to every State Capitol employee and visitor to his establishment; and

Whereas, Bill Bowlin has operated the State Capitol Newsstand since 1973; and

WHEREAS, "Bill" was a hard-working, devoted friend of State Capitol employees, beloved by all; and

WHEREAS, Bill Bowlin was a dedicated public servant whose presence and spirit will be missed but never forgotten; and

WHEREAS, Bill Bowlin passed away on Monday, February 28, 1994.

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

1. That the Legislature extends its sympathy to the family and friends of Bill Bowlin.

2. That a copy of this resolution be sent to the family of Bill Bowlin.

Laid over.

SELECT FILE

LEGISLATIVE BILL 988. Mr. Kristensen offered the following amendment:
AM3457

(Amendments to E & R amendments, AM5659)

1. Strike section 5 and insert the following new sections:

"Sec. 5. For purposes of sections 5 to 8 of this act, firearm shall mean any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or frame or receiver of any such weapon.

Sec. 6. The Legislature finds that:

(1) Increased violence in schools has become a national, state, and local problem;

(2) Increased violence and the threat of violence has a grave and detrimental impact on the educational process in Nebraska schools;

(3) Increased violence has caused fear and concern among not only the schools and students but the public at large;

(4) Firearms have contributed greatly to the increase of fear and concern among our citizens;

(5) Schools have a duty to protect their students and provide an environment which promotes and provides an education in a nonthreatening manner;

(6) An additional danger of firearms in schools is the risk of accidental discharge and harm to students and staff;

(7) Firearms are an immediate and inherently dangerous threat to the safety and well-being of an educational setting; and

(8) The ability to confiscate and remove firearms quickly from school grounds is a legitimate and necessary tool to protect students and the educational process.

Sec. 7. Any firearm possessed in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event may be confiscated without warrant by a peace officer or by school administrative or teaching personnel. Any firearm confiscated by school administrative or teaching personnel shall be delivered to a peace officer as soon as practicable. This section shall not apply to (1) the issuance of firearms to or possession by members of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps or peace officers or other duly authorized law enforcement officers when on duty or training, (2) firearms

which may lawfully be possessed by the person receiving instruction, for instruction under the immediate supervision of an adult instructor, or (3) firearms contained within a private vehicle of a nonstudent adult and which are not handled by such adult or by any other person acting with the express or implied consent of such adult while such vehicle is on school grounds.

Sec. 8. (1) Any firearm confiscated by or given to a peace officer pursuant to section 7 of this act shall be declared a common nuisance and shall be held by the peace officer prior to his or her delivery of the firearm to the property division of the law enforcement agency which employs the peace officer. The property division of such law enforcement agency shall hold such firearm for as long as the firearm is needed as evidence. After the firearm is no longer needed as evidence it shall be destroyed in such manner as the court may direct.

(2) Whenever a firearm is confiscated and held pursuant to this section, the peace officer who received such firearm shall cause to be filed within ten days after the confiscation a petition for destruction of such firearm. The petition shall be filed in the district court of the county in which the confiscation is made. The petition shall describe the firearm held, state the name of the owner, if known, allege the essential elements of the violation which caused the confiscation, and conclude with a prayer for disposition and destruction in such manner as the court may direct. At any time after the confiscation of the firearm and prior to court disposition, the owner of the firearm seized may petition the district court of the county in which the confiscation was made for possession of the firearm. The court shall release the firearm to such owner only if the claim of ownership can reasonably be shown to be true and the owner of the firearm can show that the firearm was taken from his or her property or place of business unlawfully and that such property or place of business is different from the person from whom the firearm was confiscated.".

2. On page 1, lines 5 and 6 and line 11, strike "3, 4, and 5" and insert "3 and 4".

3. Renumber the remaining sections and correct internal references accordingly.

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

Mr. Cudaback offered the following amendment to the Kristensen pending amendment:

FA394

Amend AM3457

Page 2 line 25 after "grounds" insert "school sponsored activity or school sponsored athletic events"

Mr. Cudaback withdrew his amendment.

Mr. Kristensen withdrew his amendment, AM3457.

Mr. Kristensen offered the following amendment:
AM3448

(Amendments to E & R amendment, AM 5659)

1. On page 3, line 22, after the second comma insert "in a school-owned vehicle,".

2. On page 4, line 4, strike "or (b) to" and insert ", (b)"; in line 7 after "instructor" insert ", or (c) firearms contained within a private vehicle operated by a nonstudent adult which are not handled by such adult or by any other person acting with the expressed or implied consent of such adult while such vehicle is on school grounds"; in line 9 after the first comma insert "in a school-owned vehicle,"; in line 10 strike "shall" and insert "may"; and strike beginning with "may" in line 10 through "warrant" in line 11.

SPEAKER WITHEM PRESIDING

Mr. Kristensen asked unanimous consent to replace his pending amendment, AM3448, found in this day's Journal, with a substitute amendment. No objections. So ordered.

Mr. Kristensen withdrew his amendment, AM3448, found in this day's Journal.

Messrs. Kristensen and Lindsay offered the following substitute amendment:
FA395

(Amendments to E & R amendment, AM 5659)

1. On page 3, line 22, after the second comma insert "in a school-owned vehicle,".

2. On page 4, line 4, strike "or (b) to" and insert ", (b)"; in line 7 after "instructor" insert ", or (c) firearms contained within a private vehicle operated by a nonstudent adult which are not loaded and (i) are encased or (ii) are in a locked firearm rack that is on a motor vehicle"; in line 9 after the first comma insert "in a school-owned vehicle,";

Mr. Abboud offered the following amendment to the Kristensen-Lindsay pending amendment:
FA396

Amend the Kristensen-Lindsay amendment by striking the words "(i) are encased or (ii)"

Mr. Bernard-Stevens moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Messrs. Beutler and Elmer asked unanimous consent to be excused. No objections. So ordered.

Mr. Abboud withdrew his amendment.

Mr. Kristensen offered the following amendment to the Kristensen-Lindsay pending amendment:
FA397

Add the following to the Kristensen-Lindsay amendment, FA395:

"Encased" means enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied or otherwise fastened with no part of the firearm exposed.

The Kristensen amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

The Kristensen-Lindsay amendment, FA395, as amended, was adopted with 29 ayes, 2 nays, 13 present and not voting, and 5 excused and not voting.

Mr. Chambers offered the following amendment:
FA398

Amend AM5659: Insert the attached language as "findings" preceding section 5 on page 3.

The Legislature finds that:

(1) Increased violence in schools has become a national, state, and local problem;

(2) Increased violence and the threat of violence has a grave and detrimental impact on the educational process in Nebraska schools;

(3) Increased violence has caused fear and concern among not only the schools and students but the public at large;

(4) Firearms have contributed greatly to the increase of fear and concern among our citizens;

(5) Schools have a duty to protect their students and provide an environment which promotes and provides an education in a nonthreatening manner;

(6) An additional danger of firearms in schools is the risk of accidental discharge and harm to students and staff;

(7) Firearms are an immediate and inherently dangerous threat to the safety and well-being of an educational setting; and

(8) The ability to confiscate and remove firearms quickly from school grounds is a legitimate and necessary tool to protect students and the educational process.

The Chambers amendment was adopted with 27 ayes, 2 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Print in Journal

Mrs. McKenzie asked unanimous consent to print the following amendment to LB 647 in the Journal. No objections. So ordered.

AM2851

(Amendments to Standing Committee amendments, AM0583)

1. On page 1, line 6, strike "and" and insert ", and each such school district or educational service unit shall, contingent upon available local, state, or federal funding,".

BILL ON FIRST READING

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

LEGISLATIVE BILL 1160A. Introduced by Warner, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1160, Ninety-third Legislature, Second Session, 1994; to provide for transfers; and to declare an emergency.

VISITORS

Visitors to the Chamber were Ron Kranz, Doug Heim, and Mary Sendgraff from Fremont; M. L. Martin; ten adult GED students and sponsors from Lincoln; and Mr. and Mrs. Lance Lambdin from Texas.

ADJOURNMENT

At 5:24 p.m., on a motion by Mr. Bernard-Stevens, the Legislature adjourned until 9:00 a.m., Wednesday, March 2, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-FOURTH DAY - MARCH 2, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 2, 1994

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Lee Spitzer, First Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Beutler, Byars, Chambers, Coordsen, Haberman, Kristensen, Landis, Lindsay, Lynch, Vrtiska, Warner, Will, Mmes. Bohlke, McKenzie, Rasmussen, Robak, Witek, Mses. Day, and Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-third day was approved.

UNANIMOUS CONSENT - Print in Journal

Mr. Avery asked unanimous consent to print the following amendment to LB 988 in the Journal. No objections. So ordered.

FA399
Strike the Chambers amendment, FA398.

Mr. Beutler asked unanimous consent to print the following amendment to LB 188 in the Journal. No objections. So ordered.

AM3465
1 1. Strike the Standing Committee amendment, AM1205.

2. On page 2, lines 7 and 12, strike "ten" and insert "five".

3. On page 3, strike lines 20 through 22.

RESOLUTION

LEGISLATIVE RESOLUTION 324. Introduced by Robak, 22.

WHEREAS, Columbus High School wrestler, Jason Held, set the all-class state record for wins; and

WHEREAS, Jason Held accomplished this record with 40 consecutive wins; and

WHEREAS, Jason Held won the Class A, 140-pound division championship at the Nebraska State Wrestling Tournament; and

WHEREAS, Columbus High School was tenth in team standings.

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

1. That the Legislature congratulate Jason Held on his all-class state record for wins.

2. That a copy of this resolution be sent to Mr. Held.

Laid over.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR 319.

(Signed) Janis M. McKenzie, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 319. Introduced by Coordsen, 32; Avery, 3; Schellpeper, 18; Pirsch, 10; Hudkins, 21; Pedersen, 39; Robinson, 16; Schmitt, 41; Wehrbein, 2; Vrtiska, 1; Moore, 24; Fisher, 35; Wickersham, 49; Abboud, 12; Warner, 25; Cudaback, 36; Robak, 22; Elmer, 38; Haberman, 44; Matzke, 47; McKenzie, 34; Crosby, 29; Janssen, 15; Dierks, 40; Byars, 30; Witek, 31; Jones, 43; Hartnett, 45; Bromm, 23.

WHEREAS, the United States remains the destination for millions of immigrants attracted by the freedoms of liberty, equality, and expression; and

WHEREAS, while the right of expression is a principal freedom protected by the United States Constitution, very narrowly drawn limitations on expression in specific instances have long been

recognized as legitimate means of maintaining public safety and decency; and

WHEREAS, certain actions, while relating to an individual's right to freedom of expression, nevertheless raise issues concerning public order; and

WHEREAS, the flag of the United States is a recognized national symbol.

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

1. That the Legislature encourages the Congress of the United States to consider an amendment to the United States Constitution, to be ratified by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

2. That the Clerk of the Legislature transmit a copy of this resolution to the Speaker of the House of Representatives and the President pro tempore of the Senate of the United States, to all members of the Nebraska delegation to the Congress of the United States, and to the President of the United States.

MOTION - Approve Appointment

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following Governor appointment found in the Journal on page 914: Dr. Henry Balters - Board of Health.

Voting in the affirmative, 25:

Avery	Engel	Hudkins	Moore	Schmitt
Bromm	Fisher	Janssen	Pedersen	Wehrbein
Crosby	Hall	Jones	Pirsch	Wesely
Dierks	Hartnett	Matzke	Robinson	Wickersham
Elmer	Hillman	Monen	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 3:

Ashford	Cudaback	Preister

Excused and not voting, 21:

Abboud	Byars	Kristensen	McKenzie	Vrtiska
Bernard-Stevens	Chambers	Landis	Rasmussen	Warner
	Coordsen	Lindsay	Robak	Will
Beutler	Day	Lynch	Schimek	Witek
Bohlke	Haberman			

The appointment was confirmed with 25 ayes, 0 nays, 3 present and not voting, and 21 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 321. Read. Considered.

LEGISLATIVE RESOLUTION 322. Read. Considered.

LEGISLATIVE RESOLUTION 323. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 321, 322, and 323 were adopted with 25 ayes, 0 nays, and 24 not voting.

UNANIMOUS CONSENT - Member Excused

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

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 414.

A BILL FOR AN ACT relating to state government; to amend sections 48-105, 74-307, 74-308, 74-424, 74-548, 74-549, 74-550, 74-593 to 74-596, 74-601 to 74-605, 74-608, 74-609, 74-609.01, 74-706, 74-916, 74-918, 74-919, 74-1310, 75-101, 75-104, 75-105, 75-108, 75-109, 75-112, 75-113, 75-116, 75-118, 75-119, 75-123, 75-125 to 75-127, 75-131, 75-132, 75-133, 75-135, 75-142, 75-145, 75-146, 75-148, 75-150 to 75-155, 75-304.01, 75-308.01, 75-309.01, 75-318, 75-350, 75-367, 75-370, 75-371, 75-401, 75-401.01, 75-402, 75-405, 75-411, 75-412, 75-413, 75-414, 75-415, 75-416, 75-418, 75-427 to 75-430, 75-501, 75-502, 75-503, 75-607 to 75-611, 75-613 to 75-616, 75-701 to 75-711, 75-714 to 75-718, 75-720, 75-722, 75-724, 84-901, and 84-914, Reissue Revised Statutes of Nebraska, 1943, sections 75-106, 75-121, 75-134, 75-136.01, 75-137, 75-138, and 75-143, Revised Statutes Supplement, 1992, and sections 74-592, 75-110, 75-128, 75-139.01, 75-140, 75-141, 75-144, 75-201, 75-304, 75-306, 75-309, 75-311, 75-348, 75-353, 75-605, 75-606, 75-612, 75-713, 75-721, and 75-723, Revised Statutes Supplement, 1993; to change provisions relating to powers, duties, liabilities, and regulation of and concerning railroads and common, contract, aircraft, motor, rail, telephone, telegraph, and other carriers; to redefine a term; to transfer provisions; to change and eliminate powers and duties of the Public Service Commission; to rename the secretary of the commission; to require the commission to enforce federal standards of railroad safety; to change provisions relating to transmission lines; to change and eliminate

penalties; to change provisions relating to ex parte communications under the Administrative Procedure Act; to eliminate provisions relating to railroad incorporation, general offices, property acquisition, mortgages, bonds, station names, unclaimed property, tracks, facilities, cars, cabooses, equipment, lines, rate of speed, liability to and safety and employment of employees and others, weighing and handling of shipments, employees' wages, rates, fares, and claims against common carriers; to eliminate certain notice and hearing requirements; to eliminate provisions relating to itinerant merchants; to harmonize provisions; and to repeal the original sections, and also sections 74-101 to 74-111, 74-201 to 74-204, 74-301 to 74-306, 74-323, 74-327, 74-328, 74-401 to 74-423, 74-501 to 74-514, 74-538, 74-539, 74-557 to 74-569, 74-583 to 74-586, 74-598 to 74-5,103, 74-606, 74-607, 74-610, 74-611, 74-612, 74-702 to 74-705, 74-707 to 74-715, 74-801, 74-804 to 74-807, 74-815 to 74-823, 74-901 to 74-912, 74-920, 74-1001, 74-1004, 74-1005, 74-1006, 74-1008, 74-1010, 74-1011, 74-1012, 74-1201 to 74-1204, 75-147, 75-202, 75-324, 75-327, 75-329 to 75-335, 75-404, 75-409, 75-421, 75-424, 75-425, 75-431 to 75-440, 75-501.01, 75-601, 75-602, and 75-603, Reissue Revised Statutes of Nebraska, 1943, and sections 75-323 and 75-325, Revised Statutes Supplement, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Coordsen	Hall	Matzke	Schellpeper
Ashford	Crosby	Hartnett	McKenzie	Schimek
Avery	Cudaback	Hillman	Monen	Schmitt
Bernard-Stevens	Day	Hudkins	Pedersen	Warner
Beutler	Dierks	Janssen	Pirsch	Wehrbein
Bohlke	Elmer	Jones	Preister	Wesely
Bromm	Engel	Kristensen	Rasmussen	Wickersham
Byars	Fisher	Landis	Robak	Withem
	Haberman	Lynch	Robinson	

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 5:

Lindsay	Moore	Vrtiska	Will	Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 460.

A BILL FOR AN ACT relating to retirement; to amend sections 84-1504 to 84-1506, 84-1509, and 84-1510, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to deferred compensation for state employees; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Coordsen	Hall	Matzke	Schellpeper
Ashford	Crosby	Hartnett	McKenzie	Schimek
Avery	Cudaback	Hillman	Monen	Schmitt
Bernard-Stevens	Day	Hudkins	Pedersen	Warner
	Dierks	Janssen	Pirsch	Wehrbein
Beutler	Elmer	Jones	Preister	Wesely
Bohlke	Engel	Kristensen	Rasmussen	Wickersham
Byars	Fisher	Landis	Robak	Witek
Chambers	Haberman	Lynch	Robinson	Withem

Voting in the negative, 0.

Present and not voting, 1:

Bromm

Excused and not voting, 4:

Lindsay	Moore	Vrtiska	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 693.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2290, Revised Statutes Supplement, 1992; to change provisions relating to human immunodeficiency virus antibody or antigen tests; to provide powers and duties for the Department of Correctional Services and the Department of Health; to provide for the payment of the cost of the test; to define terms; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Coordsen	Hall	Matzke	Schellpeper
Ashford	Crosby	Hartnett	McKenzie	Schimek
Avery	Cudaback	Hillman	Monen	Schmitt
Bernard-Stevens	Day	Hudkins	Pedersen	Warner
Beutler	Dierks	Janssen	Pirsch	Wehrbein
Bohlke	Elmer	Jones	Preister	Wesely
Bromm	Engel	Kristensen	Rasmussen	Wickersham
Byars	Fisher	Landis	Robak	Witek
Chambers	Haberman	Lynch	Robinson	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Lindsay	Moore	Vrtiska	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 2CA.

A resolution to propose amending the Constitution of Nebraska.

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

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article I, section 13:

I-13 "All courts shall be open, and every person, for any injury done him or her in his or her lands, goods, person, or reputation, shall have a remedy by due course of law; and justice administered without denial or delay, except that the Legislature may provide for the enforcement of mediation, binding arbitration agreements, and other forms of dispute resolution which are entered into voluntarily and which are not revocable other than upon such grounds as exist at law or in equity for the revocation of any contract.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize the Legislature to provide for enforcement of mediation, binding arbitration agreements, and other forms of dispute resolution.

For

Against".

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 39:

Abboud	Coordsen	Hartnett	McKenzie	Schimek
Ashford	Crosby	Hillman	Monen	Schmitt
Avery	Cudaback	Hudkins	Pedersen	Warner
Bernard-Stevens	Day	Janssen	Pirsch	Wehrbein
Beutler	Dierks	Jones	Preister	Wesely
Bromm	Elmer	Landis	Rasmussen	Wickersham
Byars	Fisher	Lynch	Robinson	Witek
	Haberman	Matzke	Schellpeper	Withem

Voting in the negative, 5:

Bohlke	Chambers	Hall	Kristensen	Robak

Present and not voting, 1:

Engel

Excused and not voting, 4:

Lindsay	Moore	Vrtiska	Will

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

MOTION - Return LB 379 to Select File

Mr. Beutler moved to return LB 379 to Select File for his specific amendment, AM2860, found in the Journal on page 575.

Mr. Beutler withdrew his motion to return.

Mr. Beutler withdrew his amendment, AM2860, found in the Journal on page 575.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 379. With Emergency.

A BILL FOR AN ACT relating to crimes and punishment; to amend section 28-620, Reissue Revised Statutes of Nebraska, 1943; to provide for prosecution and the limitation of prosecution for certain offenses as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Coordsen	Hartnett	Matzke	Schimek
Ashford	Crosby	Hillman	McKenzie	Schmitt
Avery	Cudaback	Hudkins	Monen	Warner
Bernard-Stevens	Day	Janssen	Pedersen	Wehrbein
Beutler	Dierks	Jones	Pirsch	Wesely
Bohlke	Elmer	Kristensen	Preister	Wickersham
Bromm	Engel	Landis	Rasmussen	Witek
Byars	Fisher	Lindsay	Robak	Withem
	Haberman	Lynch	Schellpeper	

Voting in the negative, 2:

Chambers Hall

Present and not voting, 1:

Robinson

Excused and not voting, 3:

Moore Vrtiska Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 594 to Select File

Mr. Hall moved to return LB 594 to Select File for his specific amendment, AM3349, found in the Journal on page 829.

Mrs. McKenzie requested a ruling of the Chair on whether the Hall amendment is germane to the bill.

The Chair ruled the McKenzie request is out of order at this time because the motion to return is pending at this time, rather than the amendment.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?"

Mr. Beutler requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 20:

Ashford	Day	Jones	McKenzie	Schellpeper
Avery	Elmer	Kristensen	Monen	Warner
Beutler	Engel	Landis	Pirsch	Wickersham
Cudaback	Hillman	Matzke	Preister	Witek

Voting in the negative, 24:

Abboud	Byars	Haberman	Lindsay	Robinson
Bernard-Stevens	Chambers	Hall	Lynch	Schimek
	Coordsen	Hartnett	Pedersen	Schmitt
Bohlke	Dierks	Hudkins	Rasmussen	Wehrbein
Bromm	Fisher	Janssen	Robak	Wesely

Present and not voting, 1:

Withem

Absent and not voting, 1:

Crosby

Excused and not voting, 3:

Moore	Vrtiska	Will

The motion to cease debate lost with 20 ayes, 24 nays, 1 present and not voting, 1 absent and not voting, and 3 excused and not voting.

Messrs. Bernard-Stevens, Landis, and Bromm asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Hillman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Beutler requested a record vote on the Hall motion to return LB 594 to Select File.

Voting in the affirmative, 17:

Bernard-Stevens	Haberman	Lynch	Rasmussen	Wesely
Beutler	Hall	Monen	Robak	Will
Chambers	Hartnett	Pedersen	Schimek	Withem
	Lindsay	Pirsch		

Voting in the negative, 29:

Abboud	Crosby	Fisher	Landis	Schmitt
Ashford	Cudaback	Hillman	Matzke	Warner
Avery	Day	Hudkins	McKenzie	Wehrbein
Bohlke	Dierks	Janssen	Moore	Wickersham
Byars	Elmer	Jones	Robinson	Witek
Coordsen	Engel	Kristensen	Schellpeper	

Present and not voting, 1:

Preister

Excused and not voting, 2:

Bromm Vrtiska

The Hall motion to return lost with 17 ayes, 29 nays, 1 present and not voting, and 2 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 594.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-118, Reissue Revised Statutes of Nebraska, 1943; to change settlement provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Bernard-Stevens	Bohlke	Crosby	Dierks
Ashford	Beutler	Byars	Cudaback	Elmer
Avery		Chambers	Day	Engel

Fisher	Jones	Monen	Robak	Wehrbein
Haberman	Kristensen	Moore	Robinson	Wesely
Hall	Landis	Pedersen	Schellpeper	Wickersham
Hartnett	Lindsay	Pirsch	Schimek	Will
Hillman	Matzke	Preister	Schmitt	Witek
Hudkins	McKenzie	Rasmussen	Warner	Withem
Janssen				

Voting in the negative, 0.

Present and not voting, 2:

Coordsen Lynch

Excused and not voting, 2:

Bromm Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 981. Placed on General File as amended. (Standing Committee amendment, AM4039, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 1084. Placed on General File as amended.
Standing Committee amendment to LB 1084:
AM3424

1. Strike the original sections and insert the following new sections:

"Section 1. That section 2-1579, Revised Statutes Supplement, 1993, be amended to read as follows:

2-1579. (1) Except as provided in ~~subsection (2)~~ subsections (2), (5), and (6) of this section, expenditures may be made from the Nebraska Soil and Water Conservation Fund as grants to individual landowners of not to exceed seventy-five percent of the actual cost of eligible projects and practices for soil and water conservation or water quality protection, with priority given to those projects and practices providing the greatest number of public benefits.

(2) The Nebraska Natural Resources Commission shall reserve at least two percent of the funds credited to the fund for grants to landowners ordered by a natural resources district pursuant to the Erosion and Sediment Control Act to install permanent soil and water conservation practices. Such

funds shall be made available for ninety percent of the actual cost of the required practices and shall be granted on a first-come, first-served basis until exhausted. Applications not served shall receive priority in ensuing fiscal years.

(3) The commission shall determine which specific projects and practices are eligible for the funding assistance authorized by this section and shall adopt, by reference or otherwise, appropriate standards and specifications for carrying out such projects and practices. A natural resources district assisting the commission in the administration of the program may, with commission approval, further limit the types of projects and practices eligible for funding assistance in that district.

(4) As a condition for receiving any cost-share funds pursuant to this section, the landowner shall be required to enter into an agreement that if a conservation practice is terminated or a project is removed, altered, or modified so as to lessen its effectiveness, without prior approval of the commission or its delegated agent, for a period of ten years after the date of receiving payment, the landowner shall refund to the fund any public funds used for the practice or project. When deemed necessary by the commission or its delegated agent, the landowner may as a further condition for receiving such funds be required to grant a right of access for the operation and maintenance of any eligible project constructed with such assistance. Acceptance of money from the fund shall not in any other manner be construed as affecting land ownership rights unless the landowner voluntarily surrenders such rights.

(5)(a) No apportionment of funds first appropriated for fiscal year 1996-97 shall be made from the fund for a practice or project in a natural resources district which does not have, by January 1, 1996, an approved ground water management plan pursuant to sections 46-673.01 to 46-673.14.

(b) No apportionment of funds appropriated for any fiscal year subsequent to fiscal year 1996-97 shall be made from the fund for a practice or project in a natural resources district which does not have, by the March 1 immediately preceding the start of such subsequent fiscal year, an approved ground water management plan pursuant to sections 46-673.01 to 46-673.14.

(6) To the extent feasible, the commission shall administer the fund so that federal funds available within the state for the same general purposes are supplemented and not replaced with state funds.

Sec. 2. That section 2-1589, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1589. (1) Allocations from the Nebraska Resources Development Fund may be made as grants to agencies or

political subdivisions when it is determined that such an allocation will not be reimbursed from revenue or receipts and when the program or project appears to be of general public benefit, ~~thereby~~ making reimbursement of such money from local tax funds inappropriate or impossible, or when the funds are intended for a state or local contribution to a program or project requiring such contribution to meet the requirements for a matching federal grant.

(2) Allocations may be made from the fund by the commission as loans to agencies or political subdivisions for any program or project or any part thereof consistent with the purposes of sections 2-1586 to 2-1595 which will directly generate revenue or receipts, ~~or~~ which can be anticipated to culminate in a program or project which will generate revenue or receipts, or which ~~would~~ will not generate revenue or receipts but ~~would~~ will be of general public benefit to the applicant, making repayment from local tax funds appropriate.

(3)(a) No allocation of funds first appropriated for fiscal year 1996-97 shall be made from the fund for a practice or project to a natural resources district which does not have, by January 1, 1996, an approved ground water management plan pursuant to sections 46-673.01 to 46-673.14.

(b) For any fiscal year subsequent to fiscal year 1996-97, a natural resources district may receive allocations from the fund for practices or projects if the district has, by the March 1 immediately preceding the start of such subsequent fiscal year an approved ground water management plan pursuant to sections 46-673.01 to 46-673.14.

Sec. 3. That section 46-673.14, Revised Statutes Supplement, 1992, be amended to read as follows:

46-673.14. Prior to ~~July 1, 1993~~ January 1, 1996, each district shall amend its ground water management plan to identify to the extent possible the levels and sources of ground water contamination within the area, ground water quality goals, long-term solutions necessary to prevent the levels of ground water contaminants from becoming too high and to reduce high levels sufficiently to eliminate health hazards, and practices recommended to stabilize, reduce, and prevent the occurrence, increase, or spread of ground water contamination. Each district shall include in its plan any agreements between the district and state or federal agencies consulted by the director when reviewing the plan. Such agreements shall include any cooperative arrangements or management actions necessary for approval of the plan. If a special ground water quality protection area has been designated in a district as of September 6, 1991, the district shall not be required to amend its plan for the geographical area encompassed by the special protection area.

Sec. 4. That section 46-674, Revised Statutes

Supplement, 1992, be amended to read as follows:

46-674. Sections 46-656 to 46-674.20 and sections 5 and 6 of this act shall be known and may be cited as the Nebraska Ground Water Management and Protection Act.

Sec. 5. (1) Any district which fails to comply with section 46-673.14 shall be ineligible to receive for fiscal year 1996-97 any federal funds to which the district would otherwise be entitled or any funds appropriated pursuant to sections 77-27,136 and 77-27,137.02.

(2) Any district which fails to have an approved ground water management plan pursuant to sections 46-673.01 to 46-673.14 by January 1, 1996, shall become eligible to receive funds enumerated in subsection (1) of this section for any subsequent fiscal year if the district has an approved ground water management plan pursuant to sections 46-673.01 to 46-673.14 by the March 1 immediately preceding the start of such fiscal year.

Sec. 6. Each district shall, on or before January 1, 1997, begin implementation of an approved ground water management plan pursuant to sections 46-673.01 to 46-673.14 which specifically addresses ground water quality.

Sec. 7. That section 77-27,137.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,137.02. ~~The~~ Except as provided in section 46-673.14, the appropriation provided for in section 77-27,136 for aid to natural resources districts shall be distributed to the various natural resources districts of the state on the basis of the ratio of the total amount of property taxes levied by the particular natural resources district to the total amount of property taxes levied by all natural resources districts within the state based on amounts stated in the most recent certificate of taxes levied statement and schedules submitted by each county to the Tax Commissioner pursuant to section 77-1613.01. The Tax Commissioner shall determine the amount to be distributed to the various natural resources districts and certify such amounts by voucher to the Director of Administrative Services. Each amount shall be distributed in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December 1, 1982, and each December thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification and vouchers, draw warrants against funds appropriated. The proceeds of the payments received by the various natural resources districts shall be credited to the general fund of the district.

Sec. 8. That original sections 2-1589 and

77-27,137.02, Reissue Revised Statutes of Nebraska, 1943, sections 46-673.14 and 46-674, Revised Statutes Supplement, 1992, and section 2-1579, Revised Statutes Supplement, 1993, are repealed.".

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Schmitt asked unanimous consent to print the following amendment to LB 358 in the Journal. No objections. So ordered.

AM3451

(Amendments to Standing Committee amendments, AM0883)

1. On page 1, line 23, strike "75-307, 75-352," and after "75-363" strike the comma.

2. On page 2, line 11, after "disposition" insert ", and upon the discovery of any violation by an intrastate motor carrier of section 75-307 based upon such inspection, the superintendent shall refer such violation to the Public Service Commission for disposition".

Mr. Preister asked unanimous consent to print the following amendment to LB 76 in the Journal. No objections. So ordered.

AM3170

1. On page 162, line 28, after the period insert "The election commissioner or county clerk shall post a notice in a conspicuous location, easily visible and readable by voters prior to approaching the receiving board, that a registered voter who is not affiliated with a political party may request such ballots.".

2. On page 177, line 12, after "information" insert ", except the political party affiliation of the applicant,".

Ms. Schimek asked unanimous consent to print the following amendment to LB 76 in the Journal. No objections. So ordered.

(Amendment, AM3044, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills and resolutions: LB 414, LB 460, LB 693, LR 2CA, LB 379, LB 594, and LR 323.

While the Legislature was in session and capable of transacting business, the Speaker signed the following enrolled resolution: LR 319.

GENERAL FILE

LEGISLATIVE BILL 446. Mr. Wickersham renewed his pending amendment, AM3452, found in the Journal on page 941, to the pending Standing Committee amendment.

MR. HALL PRESIDING

The Wickersham amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 944. Placed on General File.
LEGISLATIVE BILL 1080. Placed on General File.
LEGISLATIVE BILL 1097. Placed on General File.

LEGISLATIVE BILL 727. Placed on General File as amended.
Standing Committee amendment to LB 727:
AM3406

1. Strike the original sections and insert the following new sections:

"Section 1. That section 76-2,110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-2,110. ~~When~~ Except as provided in section 2 of this act, when any conveyance~~,~~ in any manner purporting to subdivide real estate~~,~~ has been or is hereafter recorded in the office of register of deeds of the county wherein such real estate is situated~~,~~ and the conveyance, or the recording thereof, has failed to comply with any requirement relating to subdivision approval, any party claiming an interest in such conveyance may file an affidavit with the register of deeds asserting that written notice of the defect in approval has been received by the governmental authority having subdivision approval jurisdiction over such real estate. Upon filing such affidavit, such governmental authority shall have one hundred twenty days from the receipt of such written notice to record an objection in the office of register of deeds in the county

wherein the real estate is situated~~,~~ or such conveyance shall be fully valid. If an objection is filed, the conveyance shall not be validated. The objection shall be in the form of a resolution adopted after public hearing. The governmental authority may waive, prospectively waive, or retroactively waive such notice or such one-hundred-twenty-day period~~,~~ as to a single subdivision or any category of subdivisions. Notwithstanding the validity of such conveyance, the subdivider shall not thus be relieved of any penalty imposed by such governmental authority for the failure to comply with any requirement relating to subdivision approval. Any conveyance of real estate for the public use shall be valid only upon express approval of such governmental authority. Other than for purposes of validating a conveyance, this section shall not excuse compliance with applicable zoning or subdivision ordinances of the governmental authority having subdivision approval jurisdiction over such real estate.

Sec. 2. Any conveyance in any manner purporting to subdivide real estate which is recorded in the office of the register of deeds of the county wherein such real estate is situated after October 1, 1994, shall not be valid unless such subdivision of real estate or the conveyance or recording thereof has complied with all requirements relating to subdivision approval or such compliance has been expressly waived by the governmental authority having subdivision approval jurisdiction over such real estate. Such compliance or waiver may be evidenced by the filing with the register of deeds of appropriate certification of approval or waiver by the governmental authority having subdivision approval jurisdiction over such real estate. The filing of such certification shall validate the conveyance from the date of its original filing. Any changes, alterations, or amendments made to the original filing with the register of deeds as a direct consequence of the process to receive the certification of compliance from the governmental authority shall be considered validated and part of the original conveyance as of the date of its original filing.

Sec. 3. That original section 76-2,110, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

LEGISLATIVE BILL 922. Placed on General File as amended.
Standing Committee amendment to LB 922:
AM3050

1. On page 2, strike lines 11 through 16 and insert the following new subsection:

"(3) The salary of the appointive full-time county veterans service officer shall be fixed at the minimum rate of ninety percent of the salary of the lowest paid elected officer in the county within three years after the effective

date of this act. Upon completion of a probationary period in accordance with the personnel policies of the county, the appointive full-time county veterans service officer's salary shall be increased to a minimum permanent rate of ninety-five percent of the lowest paid full-time elected county officer's salary. On or before the appointive full-time county veterans service officer's annual hiring date anniversary, the county board shall conduct, in conjunction with the county veterans service committee, a performance review and approve or deny a merit increase. Within two years after appointment or within two years after the effective date of this act, whichever is sooner, the full-time county veterans service officer shall complete an accreditation program sanctioned by the Department of Veterans' Affairs. If the county board determines that sufficient evidence exists to reduce from full-time to part-time the county veterans service officer position, the county board shall consult with the county veterans service committee and the Department of Veterans' Affairs. The county board and county veterans service committee shall consider, when a reduction from full-time to part-time of the county veterans service officer position occurs, the consolidation with another county with a part-time county veterans service officer to create a full-time county veterans service officer position. Such multicounty offices shall be known as veterans service centers.".

LEGISLATIVE BILL 1008. Placed on General File as amended.
Standing Committee amendment to LB 1008:
AM3405

1. On page 2, strike beginning with "The" in line 3 through the period in line 8 and show the old matter as stricken; and strike lines 16 through 18 and show as stricken.

LEGISLATIVE BILL 1100. Placed on General File as amended.
Standing Committee amendment to LB 1100:
AM3217

1. On page 2, line 21, after the period insert "Such advice from the Attorney General to the Governor or director of the agency or department shall not be public information but shall be privileged as between the attorney and client pursuant to section 27-503 and shall not be subject to discovery in legal proceedings.".

LEGISLATIVE BILL 1203. Placed on General File as amended.
Standing Committee amendment to LB 1203:
AM3148

1. On page 5, strike beginning with "the" in line 24 through "System" in line 26, show the old matter as stricken, and insert "an emergency management organization".

2. On page 48, line 4, strike "agencies" and show as stricken.

3. On page 53, line 3, strike "an" and strike "program"; and strike beginning with "for" in line 5 through "program" in line 6.

4. On page 57, line 7, after "boundaries" insert "but shall not have responsibility for emergency management services within a city or village having its own emergency management organization"; in line 9 after "which" insert "if formed"; and in line 10 strike "for" and insert "serving".

5. On page 66, line 21, after "a" insert "disaster, emergency, or".

6. On page 76, lines 19 and 20 and 25; and page 77, line 6, strike "political subdivision", show as stricken, and insert "local government".

7. On page 77, strike beginning with "For" in line 10 through line 12 and show the old matter as stricken.

LEGISLATIVE BILL 1244. Placed on General File as amended.
Standing Committee amendment to LB 1244:
AM3048

1. On page 2, line 23, after the comma insert "the decisions of"; and in line 24 after "Appeals" insert "designated for permanent publication" and after "and" insert "the decisions of".

LEGISLATIVE BILL 1252. Placed on General File as amended.
Standing Committee amendment to LB 1252:
AM3407

1. On page 2, line 13, strike "city of the second class or".

LEGISLATIVE BILL 65. Indefinitely postponed.
LEGISLATIVE BILL 232. Indefinitely postponed.
LEGISLATIVE BILL 580. Indefinitely postponed.
LEGISLATIVE BILL 687. Indefinitely postponed.
LEGISLATIVE BILL 706. Indefinitely postponed.
LEGISLATIVE BILL 894. Indefinitely postponed.
LEGISLATIVE BILL 947. Indefinitely postponed.
LEGISLATIVE BILL 1103. Indefinitely postponed.
LEGISLATIVE BILL 1133. Indefinitely postponed.
LEGISLATIVE BILL 1171. Indefinitely postponed.
LEGISLATIVE BILL 1226. Indefinitely postponed.
LEGISLATIVE BILL 1273. Indefinitely postponed.

LEGISLATIVE RESOLUTION 279. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Witek asked unanimous consent to print the following amendment to LB 1055 in the Journal. No objections. So ordered.

AM3411

(Amendments to Standing Committee amendments, AM3382)

1. On page 2, line 2, strike the new matter; in line 21 before "Local" insert "The requirement for a comprehensive health education program shall not interfere with the determination by local school authorities of appropriate curriculum reflecting local values and concerns."; in line 23 strike "regarding" and insert "whenever"; and in line 24 after "curriculum" insert "are proposed".

VISITORS

Visitors to the Chamber were 45 fourth grade students and teachers from Milford Elementary School; 45 eleventh and twelfth grade students and teacher from Central High School, Omaha; Jacob Katzman and Molly Tillman; and 75 fifth grade students and teacher from Calvert Elementary School, Lincoln.

RECESS

At 12:02 p.m., on a motion by Mrs. McKenzie, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch who was excused; and Messrs. Ashford, Beutler, Bromm, Haberman, Kristensen, Landis, Matzke, Pedersen, Vrtiska, Will, Mses. Day, Schimek, Mmes. Rasmussen, and Robak who were excused until they arrive.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 321 and LR 322.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 2, 1994, at 12:35 p.m., were the following bills: 414, 460, 693, 379, and 594.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bill 1362.

LB	Committee
1362	Revenue

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

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 1359 in the Journal. No objections. So ordered.

AM3471

(Amendments to Standing Committee amendments, AM3468)

1. Insert the following new section:

"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

UNANIMOUS CONSENT - Members Excused

Messrs. Bernard-Stevens, Moore, and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

MR. WESELY PRESIDING

GENERAL FILE

LEGISLATIVE BILL 902. Title read. Considered.

Standing Committee amendment, AM2903, found in the Journal on page 565, was considered.

Mr. Chambers moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

The Chair declared the call raised.

SPEAKER WITHEM PRESIDING

Mr. Wickersham renewed his pending amendment, AM4021, found in the Journal on page 915.

The Wickersham amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Messrs. Wesely and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 907. Title read. Considered.

Standing Committee amendment, AM2972, found in the Journal on page 597, was considered.

Mr. Landis and Mrs. Witek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lindsay moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Standing Committee amendment was adopted with 25 ayes, 2 nays, 9 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Messrs. Hall, Byars, Coordsen, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on March 2, 1994, at 1:10 p.m., was the following resolution: LR 2CA.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

NOTICE OF COMMITTEE HEARING
Revenue

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 1129 in the Journal. No objections. So ordered.

AM3484

1. On page 2, strike beginning with "For" in line 6 through "(2)" in line 26 and all amendments thereto and insert:

"Sec. 2. (1) A person commits the offense of hazing when (a) he or she intentionally or recklessly engages in conduct which injures or which he or she knows or should know creates a substantial risk of physical or mental injury to another person when such conduct is for the purpose of initiation, admission into, affiliation with, or continued membership with any organization operating under the sanction of a postsecondary educational institution or (b) he or she knowingly permits or encourages any person subject to his or her direction or control to engage in conduct which injures or creates a substantial risk of physical or mental injury to another person when such conduct is for the purpose of initiation, admission into, affiliation with, or continued membership with any organization operating under the sanction of a postsecondary educational institution.

(2) Hazing shall mean (a) an act or a series of acts which injures another or creates a substantial risk of physical or mental injury, (b) forced consumption of any liquor, drug, or other harmful substance, (c) forced physical activity which endangers physical or mental health, or (d) forced activity which reasonably may be expected to result in extreme embarrassment.

(3)".

2. On page 3, line 1, strike "(3)" and insert "(4)"; in line 2 strike "punished by a fine of" and insert "fined"; and in line 4 after "provisions" insert "of law".

STANDING COMMITTEE REPORT
Executive Board

LEGISLATIVE BILL 1359. Placed on General File as amended.
Standing Committee amendment to LB 1359:
AM3468

1. Strike the original sections and insert the following new sections:

"Section 1. The Legislature finds and declares that

it is now possible and feasible in the electronic age to more widely distribute legislative information by way of electronic communication in order to better inform the public of the matters pending before the Legislature and its proceedings. The Legislature further finds that it is desirable to make information regarding these matters and proceedings available in a timely manner to the people of this state, regardless of where they reside, for the least possible cost.

Sec. 2. The Executive Board of the Legislative Council shall appoint a committee to consist of nine members to make recommendations regarding the implementation of sections 1 and 3 of this act. The committee shall consist of: (1) The chairperson of the executive board; (2) one other member of the executive board to be appointed by the chairperson of the executive board; (3) one member of the Legislature to be appointed by the chairperson of the executive board; (4) the Revisor of Statutes; (5) the Clerk of the Legislature; (6) the Public Counsel; (7) the Legislative Fiscal Analyst; (8) the Director of Research; and (9) the data processing administrator of the central data processing division of the Department of Administrative Services.

Sec. 3. The committee appointed pursuant to section 2 of this act shall establish a process for implementation of the following information to be made available to the public in electronic forms:

(1) The Nebraska state statutes, the Constitution of Nebraska, and the general index to the statutes;

(2) All Nebraska state statutes enacted on or after January 1, 1994;

(3) The text of each introduced bill, printed amendment, final reading bill, passed bill, and slip law and the bill index for the regular and special sessions of the current Legislature;

(4) The schedule of legislative committee hearings and a list of all committees of the Legislature and their members;

(5) The speaker's agenda;

(6) The bill status, committee statement, and fiscal note of each bill introduced in the regular and special sessions of the current Legislature;

(7) The daily journal of all legislative proceedings, the summary sheets, and the current worksheet for regular and special sessions of the current Legislature;

(8) When approved for publication by the appropriate committee, the committee testimony of each bill introduced in the regular and special sessions of the current Legislature; and

(9) When approved for publication by the Clerk of the Legislature, the floor debate of each bill introduced in

the regular and special sessions of the current Legislature.

Sec. 4. The committee appointed pursuant to section 2 of this act shall issue an implementation report, with recommendations, to the Executive Board of the Legislative Council by December 1, 1994.".

(Signed) Tim Hall, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 325. Introduced by Hall, 7; Chambers, 11.

WHEREAS, the Nebraska Legislature passed legislation in 1979 recognizing January 15 of each year as Martin Luther King, Jr. Day; and

WHEREAS, the statutes encompassing the 1979 legislation direct that:

(1) Martin Luther King, Jr. Day be set apart for holding suitable exercises in the schools in recognition of the late Dr. King's sacrifices and contributions to the betterment of society;

(2) A proclamation be issued by the Governor each year urging the people of Nebraska to observe Martin Luther King, Jr. Day in the schools and in other suitable places with appropriate ceremony and fellowship; and

(3) That information be made available by the State Department of Education to the schools and all people of Nebraska regarding Martin Luther King, Jr. Day and the observance thereof; and

WHEREAS, Congress passed legislation in 1983 allowing for the observance of Martin Luther King, Jr.'s birthday as a national holiday commencing in 1986; and

WHEREAS, the Nebraska Legislature, in further recognition of Dr. King's contributions, passed legislation in 1986 allowing for the observance of the birthday of Martin Luther King, Jr. as a legal state holiday; and

WHEREAS, it is fitting to continue to pursue and promote the state's commitment to honoring Dr. King's philosophy and to teaching school children about his way of life.

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

1. That the Legislature encourages all school boards to join with other local, state, and federal governmental entities in the observance of Martin Luther King, Jr.'s birthday as a holiday and to recognize his birthday as a school holiday.

2. That the Clerk of the Legislature transmit a copy of this resolution to the Commissioner of Education, together with a letter which respectfully requests that the commissioner in turn distribute the resolution to all public school district superintendents, and that the

superintendents be asked to place the resolution before their respective school boards.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 907. Mrs. Hudkins renewed her pending amendment, AM3177, found in the Journal on page 834.

Mr. Beutler offered the following amendment to the Hudkins pending amendment:
FA400
Amend AM3177 as follows:
restore all stricken language in Section 1 (1)(a) and strike all new language in Section 1 (1)(a)

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

Mr. Beutler moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Ashford	Cudaback	McKenzie	Rasmussen	Wehrbein
Bernard-Stevens	Hall	Monen	Schellpeper	Wickersham
Beutler	Hartnett	Moore	Schimek	Will
Chambers	Landis	Pedersen	Warner	Witek
	Lindsay	Preister		

Voting in the negative, 16:

Abboud	Dierks	Fisher	Jones	Matzke
Bohlke	Elmer	Hudkins	Kristensen	Schmitt
Crosby	Engel	Janssen	Lynch	Withem
Day				

Present and not voting, 5:

Byars	Hillman	Robak	Robinson	Vrtiska

Excused and not voting, 6:

Avery	Coordsen	Haberman	Pirsch	Wesely
Bromm				

The Beutler amendment lost with 22 ayes, 16 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

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

Mr. Chambers offered the following amendment to the Hudkins pending amendment:
FA401
Amend AM3177
Add new subsection (b)
"While campaigning for political office or campaigning for another person, furnishes information he or she knows to be false, for the purpose of aiding in the election of any person or the defeat of any person.

MRS. CROSBY PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Ashford	Engel	Pedersen	Schellpeper	Wesely
Chambers	Lindsay	Preister	Schmitt	Will
Cudaback	McKenzie	Robak	Wehrbein	Witek
Elmer	Monen	Robinson		

Voting in the negative, 7:

Abboud	Crosby	Hall	Landis	Warner
Bromm	Fisher			

Present and not voting, 19:

Bernard-Stevens	Byars	Hartnett	Jones	Moore
	Coordsen	Hillman	Kristensen	Vrtiska
Beutler	Day	Hudkins	Lynch	Wickersham
Bohlke	Dierks	Janssen	Matzke	Withem

Excused and not voting, 5:

Avery	Haberman	Pirsch	Rasmussen	Schimek

The Chambers amendment lost with 18 ayes, 7 nays, 19 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment to the Hudkins pending amendment:
FA402

Amend AM3177

Page 2, line 4, after the second "to", strike remaining language through "investigation" in line 6, and insert "to the agency or department which conducted an investigation in reliance on such false information, for all reasonable costs incurred in conducting the investigation."

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

The Chambers amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

The Hudkins amendment, AM3177, as amended, was considered.

Mrs. Hudkins moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mrs. Hudkins requested a roll call vote on her amendment, as amended.

Voting in the affirmative, 26:

Abboud	Day	Hillman	Landis	Vrtiska
Bohlke	Dierks	Hudkins	Lynch	Warner
Bromm	Elmer	Janssen	Pedersen	Wesely
Coordsen	Engel	Jones	Schellpeper	Wickersham
Crosby	Fisher	Kristensen	Schmitt	Withem
Cudaback				

Voting in the negative, 11:

Beutler	Lindsay	Monen	Preister	Will
Chambers	Matzke	Moore	Robinson	Witek
Hall				

Present and not voting, 6:

Ashford	Bernard-Stevens	Byars	Hartnett	Robak
				Wehrbein

Excused and not voting, 6:

Avery McKenzie Pirsch Rasmussen Schimek Haberman

The Hudkins amendment, as amended, was adopted with 26 ayes, 11 nays, 6 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Matzke asked unanimous consent to print the following amendment to LB 1129 in the Journal. No objections. So ordered.

AM3491

1. Strike original section 2 and all amendments thereto and insert the following new section:

"Sec. 2. (1) For purposes of sections 2 and 3 of this act:

(a) Hazing shall mean any activity by which a person intentionally or recklessly endangers the physical or mental health or safety of an individual for the purpose of initiation, admission into, affiliation with, or continued membership with any organization as defined in subdivision (1)(b) of this section. Such hazing activity shall include whipping, beating, branding, forced and prolonged calisthenics, prolonged exposure to the elements, forced consumption of any food, liquor, beverage, drug, or harmful substance not generally intended for human consumption, prolonged sleep deprivation, or any brutal treatment or the performance of any unlawful act which endangers the physical or mental health or safety of any person; and

(b) Organization shall mean an organization of student members operating under the sanction of a postsecondary educational institution but shall not include the alumni organization, the alumni advisors of such organization, or any corporation which owns the house or real estate of such organization.

(2) It shall be unlawful to commit the offense of hazing. Any person who commits the offense of hazing shall be guilty of a Class II misdemeanor.

(3) Any organization as defined in subdivision (1)(b) of this section whose members commit the offense of hazing in violation of the provisions of this section shall be punished by a fine of not more than ten thousand dollars.".

EXPLANATION OF VOTE

Had I been present, I would have voted aye on LR 2CA.

(Signed) Floyd Vrtiska

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 123, 212, 868, 889, 892, 930, 971, 1005, 1017, and 1026.

Enrollment and Review Change to LB 123

The following changes, required to be reported for publication in the Journal, have been made:
ER7423

1. In the E & R amendment, AM5663, on page 1, the matter beginning with "titling" in line 12 through "registration" in line 13 has been struck and "and change provisions relating to titling, registration, and sale" inserted.

2. In the Standing Committee amendments, AM2808:

a. On page 10, line 13, an underscored comma has been inserted after "claimants";

b. On page 13, line 1, "the" has been inserted after "of"; and

c. On page 43, the matter beginning with the comma in line 21 through "(g)(iv)" in line 22 has been struck, shown as stricken, and "through (g)(v)" inserted.

3. On page 1, line 7, "define and" has been struck.

Enrollment and Review Change to LB 868

The following changes, required to be reported for publication in the Journal, have been made:
ER7421

1. On page 2, line 10, "to" has been struck.

Enrollment and Review Change to LB 971

The following changes, required to be reported for publication in the Journal, have been made:
ER7422

1. In the E & R amendment, AM5666:

(a) On page 6, line 15, "expressed" has been struck and "express" inserted; and

(b) On page 10, line 3, "(i)(i)(A) The applicant" has been struck and "(i) The applicant (i)(A)" inserted.

2. On page 1, line 10, "Nebraska" has been inserted after the second "the".

Enrollment and Review Change to LB 1026

The following changes, required to be reported for publication in the Journal, have been made:
ER7415
1. On page 1, line 4, "fines" has been struck and "fees" inserted.

(Signed) Janis M. McKenzie, Chairperson

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 1150. Placed on General File.

LEGISLATIVE BILL 1099. Placed on General File as amended.
Standing Committee amendment to LB 1099:
AM4012

1. Insert the following new sections:
"Sec. 2. That section 66-601.01, Revised Statutes Supplement, 1992, be amended to read as follows:
66-601.01. Sections 66-601 to 66-648 and section 4 of this act shall be known as the Special Fuel Tax Act.
Sec. 4. The department shall refund the total fee paid for a special fuel user permit purchased after January 1, 1994, for a diesel-powered motor vehicle. The department shall refund a portion of the fee paid for a special fuel user permit purchased prior to January 1, 1994, for a diesel-powered motor vehicle based upon the number of unexpired months remaining in the registration period for the motor vehicle as measured from January 1, 1994. The refunds provided for by this section shall be claimed by purchasers of special fuel user permits by filing a claim with the department on forms prepared and furnished by the department. The refund claim shall be accompanied by the permit, proof of payment of the special fuel user permit fee, and such other documentation as the department deems necessary. All refunds issued under this section shall be paid from the Highway Trust Fund.
Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".
2. On page 6, line 12, strike "August" and insert "January"; and in line 13 after "original" insert "section 66-601.01, Revised Statutes Supplement, 1992, and".
3. Renumber the remaining sections accordingly.

(Signed) Doug Kristensen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 907. Considered.

Mr. Wesely moved to reconsider the vote on the Beutler amendment, FA400, to LB 907.

Ms. Day and Mr. Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely withdrew his motion to reconsider.

Mr. Beutler offered the following amendment:
FA403
Amend AM3177 as follows
P 1, line 12 after "investigation" add "and which actually results in causing or impeding such investigation"
P 1, line 8 before "false" add "materially"

The Beutler amendment was adopted with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

Mr. Hall offered the following amendment:
FA404
Amend by striking the emergency clause (Sec. 3)

The Hall amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Cudaback asked unanimous consent to be excused. No objections. So ordered.

Mr. Hall offered the following amendment:
FA405
Amend AM3177
On pg 1, line 9, before the word "department" add the word "governmental"; strike the comma following the word "department", and insert the word "or" in its place; and strike the words "or commission"

The Hall amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

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

Messrs. Elmer and Lynch asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA406
Amend AM3177
Page 1, lines 9-10, strike, "or any political subdivision"

Mr. Moore asked unanimous consent to be excused. No objections. So ordered.

The Chambers amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mrs. Hudkins moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mrs. Hudkins requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 29:

Abboud	Crosby	Hudkins	McKenzie	Warner
Ashford	Dierks	Janssen	Pedersen	Wehrbein
Bohlke	Engel	Jones	Robinson	Wesely
Bromm	Fisher	Kristensen	Schellpeper	Wickersham
Byars	Hartnett	Landis	Schmitt	Withem
Coordsen	Hillman	Lynch	Vrtiska	

Voting in the negative, 10:

Bernard-Stevens	Chambers	Lindsay	Monen	Will
Beutler	Hall	Matzke	Preister	Witek

Present and not voting, 1:

Robak

Excused and not voting, 9:

Avery	Day	Haberman	Pirsch	Schimek
Cudaback	Elmer	Moore	Rasmussen	

Advanced to E & R for review with 29 ayes, 10 nays, 1 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 1222 in the Journal. No objections. So ordered.

AM3445

1. Insert the following new sections:

"Sec. 47. That section 44-210, Revised Statutes Supplement, 1992, be amended to read as follows:

44-210. Every domestic stock and mutual company and assessment association shall hold an annual meeting of its shareholders, if a stock company, or of its members, if a mutual company or an assessment association, on or before the 30th day of June in each and every calendar year, for the purpose of receiving the report of its officers and directors, to elect directors whose terms expire, and to transact such other business as may be lawful for it to do. Special meetings of the shareholders or members may be held as may be provided in the articles of incorporation or the bylaws and as otherwise provided by law. Each outstanding share of stock in a stock company and each member in a mutual company or assessment association shall be entitled to one vote on each matter submitted to a vote at an annual or special meeting of the shareholders or members, except as otherwise provided by law and except that any such stock company in its articles of incorporation may provide that the holders of preferred shares of stock shall have no right to vote and, in such event, such shares of stock shall not be entitled to vote. A shareholder or member may vote either in person or by proxy executed in writing by the shareholder or member or by his or her duly authorized attorney in fact appointing any director, officer, shareholder, or member for such purpose. In the case of a mutual company or an assessment association, such proxy may be incorporated into a member's application for insurance or policy. All such proxies shall be filed or on file with the stock or mutual company or assessment association at least five days prior to the day of the meeting, and they shall expire eleven months from their effective date, unless otherwise provided in such proxy, application, or policy. Nothing in this section shall be construed to prohibit or limit the right of a shareholder or member to vote in person or otherwise revoke any such proxy at any time prior to any exercise thereof. In the case of a mutual company or an assessment association, there shall be no quorum requirements for any meeting of members except as set forth in the articles of incorporation or the bylaws of such mutual company or assessment association.

Sec. 48. That section 44-220, Revised Statutes Supplement, 1992, be amended to read as follows:

44-220. In addition to the general power and

authority to borrow money for its regular business purposes, any domestic insurance company may borrow money: ~~without discount or the payment of commission:~~ (1) To defray the reasonable expenses of its organization; (2) to provide special contingency loss funds; (3) to provide additional surplus funds; (4) to make good any deficiency; and (5) to provide the amount of minimum surplus required by Chapter 44 and may issue its notes therefor, to be known as surplus notes, which shall fully recite the purpose for which the money was borrowed, if application has been made to the Department of Insurance and approval in writing is obtained from the Director of Insurance for the issuance of such surplus notes in a stated maximum amount. The amount thereof outstanding with the unpaid interest shall be stated in each annual report.

Sec. 49. That section 44-221, Revised Statutes Supplement, 1992, be amended to read as follows:

44-221. Except as provided in this section, surplus notes and the indebtedness which they represent shall not be a liability or claim against any of the assets of the company. The principal of such notes may be paid from time to time, either in full or in part, from available surplus funds of the company only when the amount of the surplus of the company over all liabilities is double that of the principal amount then being paid. The ~~corporation~~ company shall have the right to make such repayments whenever it is able to do so, except that the ~~corporation~~ company shall first receive the prior approval of the Director of Insurance for any such repayments. The director shall use the standards set forth in section 44-2136 relating to adequacy of surplus in determining whether or not to approve such repayments. The interest on such notes shall only be payable from the surplus and shall not exceed such sum as may be fixed, ~~nor in any case six percent per annum.~~ Upon a dissolution of the company, the principal and accrued and unpaid interest shall be payable from the surplus.

Sec. 50. That section 44-513, Revised Statutes Supplement, 1992, be amended to read as follows:

44-513. Whenever any insurer ~~shall provide~~ provides by contract, policy, certificate, or any other means whatsoever for a service, or for the partial or total reimbursement, payment, or cost of a service, to or on behalf of any of its policyholders, group policyholders, subscribers, or group subscribers or any person or group of persons, which service may be legally performed by a person licensed in this state for the practice of osteopathic medicine and surgery, chiropractic, optometry, psychology, dentistry, ~~or~~ podiatry, or mental health practice, the person rendering such service or such policyholder, subscriber, or other person shall be entitled to such partial or total reimbursement, payment, or

cost of such service, whether the service is performed by a duly licensed medical doctor or by a duly licensed osteopathic physician, chiropractor, optometrist, psychologist, dentist, ~~or~~ podiatrist, or mental health practitioner. This section shall not limit the negotiation of preferred provider policies and contracts under sections 44-4101 to 44-4113.

Sec. 60. That section 44-4228, Revised Statutes Supplement, 1992, be amended to read as follows:

44-4228. (1) Pool coverage shall exclude charges or expenses incurred during the first six months following the effective date of coverage as to any condition (a) which had manifested itself during the six-month period immediately preceding the effective date of coverage in such a manner as would cause an ordinarily prudent person to seek diagnosis, care, or treatment or (b) for which medical advice, care, or treatment was recommended or received during the six-month period immediately preceding the effective date of coverage.

(2) Any person whose health coverage is involuntarily terminated on or after January 1, 1992, and who is not eligible for a conversion policy or a continuation-of-coverage policy or contract available under state or federal law may apply for pool coverage but shall submit proof of eligibility pursuant to section 44-4221. If such proof is supplied and if pool coverage is applied for under the Comprehensive Health Insurance Pool Act within sixty days after the involuntary termination and if premiums are paid to the pool for the entire coverage period, any waiting period or preexisting condition exclusions provided for under the pool shall be waived to the extent similar exclusions, if any, under the previous health coverage have been satisfied and the effective date of the pool coverage shall be the day following termination of the previous coverage. The board may assess an additional premium for pool coverage provided pursuant to this subsection notwithstanding the premium limitations stated in section 44-4227. For purposes of this ~~subsection~~ section, a person whose health coverage is involuntarily terminated shall mean a person whose health insurance or health plan is terminated by reason of the withdrawal by the insurer from this state, bankruptcy or insolvency of the employer or employer trust fund, or cessation by the employer of providing any group health plan for all of its employees.

(3) Any person whose health coverage under a continuation-of-coverage policy or contract available under state or federal law terminates or is involuntarily terminated on or after July 1, 1993, for any reasons other than nonpayment of premium may apply for pool coverage but shall submit proof of eligibility applied for within ninety days after the termination or involuntary termination. If premiums

are paid to the pool for the entire coverage period, the effective date of the pool coverage shall be the day following termination of the previous coverage under the continuation-of-coverage policy or contract. Any waiting period or preexisting condition exclusions provided for under the pool shall be waived to the extent similar exclusions, if any, under any prior health coverage have been satisfied.

(4) Subsection (1) of this section shall not apply to a person who has received medical assistance pursuant to section 43-522 or sections 68-1018 to 68-1025 or an organ transplant recipient terminated from coverage under medicare during the six-month period immediately preceding the effective date of coverage.

Sec. 61. That section 48-144.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-144.03. (1)(a) If ~~the~~ an insurer ~~or employer~~ intends to cancel a contract or policy of insurance issued by the insurer under the Nebraska Workers' Compensation Act within the contract or policy period, ~~he or she~~ the insurer shall give notice to such effect in writing to the Nebraska Workers' Compensation Court and to the ~~other party~~ employer, fixing the date on which it is proposed that such cancellation be effective. Such notices shall ~~be served personally on or~~ contain a brief statement of the insurer's reasons for cancellation and shall be sent by certified mail to the compensation court and the ~~other party~~ employer. No such cancellation shall be effective until ~~ten~~ thirty days after the mailing of such ~~notice, unless~~ notices, except that such cancellation may be effective ten days after mailing of such notices if such cancellation is based on (i) nonpayment of premium, (ii) failure of the employer to reimburse deductible losses as required under the contract or policy, or (iii) failure of the employer, if covered pursuant to section 48-146.01, to comply with sections 48-443 to 48-445. If the employer has secured insurance with another ~~carrier~~ insurer which would cause double coverage, such ~~. In such event the~~ cancellation shall be made effective as of the effective date of such other insurance.

(b) In any case when the employer gives notice to the insurer that he or she intends to cancel a contract or policy of insurance issued by the insurer under the Nebraska Workers' Compensation Act within the contract or policy period, the insurer shall immediately ~~notify~~ give notice in writing to the Nebraska Workers' Compensation Court that such contract or policy is being canceled by the employer and the date on which it is proposed that such cancellation be effective. Such notice shall be sent by certified mail to the compensation court. No such cancellation shall be effective until ten days after the mailing of such notice. If the

employer has secured insurance with another insurer which would cause double coverage, such cancellation shall be made effective as of the effective date of such other insurance.

(2) If an insurer intends to nonrenew a contract or policy of insurance issued under the Nebraska Workers' Compensation Act, the insurer shall give notice to such effect in writing to the Nebraska Workers' Compensation Court and to the employer. Such notices shall contain a brief statement of the insurer's reasons for nonrenewal and shall be sent by certified mail to the compensation court and the employer. No such nonrenewal shall be effective until thirty days after the mailing of such notices. This subsection shall not apply to contracts or policies of insurance issued pursuant to section 48-146.01.

Sec. 67. That original section 44-4228, Revised Statutes Supplement, 1992, is repealed.

Sec. 68. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 41, line 3, strike "48 to 54" and insert "52 to 58".

3. On page 42, line 16, strike "51" and insert "55".

4. On page 43, line 19, strike "50" and insert "54".

5. On page 44, line 16, strike "48 to 55, and 58" and insert "52 to 59, 62, and 65"; in line 17 after the period insert "Sections 47 to 50, 61, and 66 of this act shall become operative three calendar months after the adjournment of this legislative session."; and in line 28 after "original" insert "section 48-144.03, Reissue Revised Statutes of Nebraska, 1943, sections 44-210, 44-220, 44-221, and 44-513, Revised Statutes Supplement, 1992, and".

Mr. Wesely asked unanimous consent to print the following amendment to LB 718 in the Journal. No objections. So ordered.

AM3500

1. On page 2, line 11, strike "health maintenance organization or a" and before the comma insert "but excluding any contract by a health maintenance organization".

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 1292 in the Journal. No objections. So ordered.

AM3455

(Amendments to Standing Committee amendments, AM3332)

1. On page 1, line 16, after the first comma insert "lines 7 and 10, strike ', except beer,'; in".

Messrs. Kristensen and Fisher asked unanimous consent to print the following amendment to LB 974 in the Journal. No objections. So ordered.

AM3440

1. Strike original section 2 and insert the following new sections:

"Sec. 2. That section 9-402, Uniform Commercial Code, be amended to read as follows:

U9-402. Formal requisites of financing statement; amendments; fees; mortgage as financing statement; substantial compliance; effect.

(1) A financing statement may be in a form prescribed by the Secretary of State and is sufficient if it gives the names of the debtor and the secured party, is signed by the debtor, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types, or describing the items, of collateral. The Secretary of State shall require that the social security number or the federal tax identification number of both the secured party and the debtor be provided on the financing statement and other related filings. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. When the financing statement covers crops growing or to be grown, the statement must also contain a description of the real estate concerned. When the financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 9-103, or when the financing statement is filed as a fixture filing (section 9-313) and the collateral is goods which are or are to become fixtures, the statement must also comply with subsection (5). A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by the debtor. A carbon, photographic or other reproduction of a security agreement or a financing statement is sufficient as a financing statement if the security agreement so provides or if the original has been filed in this state.

(2) A financing statement which otherwise complies with subsection (1) is sufficient when it is signed by the secured party instead of the debtor when it is filed to perfect a security interest in

(a) collateral already subject to a security interest in another jurisdiction when it is brought into this state, or when the debtor's location is changed to this state. Such a financing statement must state that the collateral was brought into this state or that the debtor's location was

changed to this state under such circumstances; or

(b) proceeds under section 9-306 if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral; or

(c) collateral as to which the filing has lapsed; or

(d) collateral acquired after a change of name, identity or corporate structure of the debtor (subsection (7)).

(3) The Secretary of State shall prescribe a form substantially as follows to comply with subsection (1):

Name of debtor (or assignor) .....

Address .....

Name of secured party (or assignee) .....

Address ..... .

1. This financing statement covers the following types (or items) of property:

(Describe)

..... .

2. (If collateral is crops) The above described crops are growing or are to be grown on:

(Describe real estate)

..... .

3. (If applicable) The above goods are to become fixtures on (Describe real estate) ..... and this financing statement is to be filed for record in the real estate records. (If the debtor does not have an interest of record) The name of a record owner is ..... .

4. (If products of collateral are claimed) Products of the collateral are also covered.

Signature of debtor (or assignor) .....

Signature of secured party (or assignee) ..... .

(4) Except as provided in this subsection, a ~~A~~ financing statement may be amended by filing a writing signed by both the debtor and the secured party, except that an amendment filed to show a change of the name of the secured party, the address of the secured party, or both is sufficient when it is signed only by the secured party. The Secretary of State may adopt rules and regulations for the change of a secured party's name or address on multiple financing statements by use of a single amendment, including a reasonable fee for processing of the amendment. An amendment does not extend the period of effectiveness of a financing statement. If any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment. Except as provided in this subsection, the ~~The~~ fee for such filings shall be as provided in subsection (5) of section 9-403. In this article, unless the context otherwise requires, the term "financing statement" means the original financing statement and any amendments.

(5) A financing statement covering timber to be cut or covering minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 9-103, or a financing statement filed as a fixture filing (section 9-313) where the debtor is not a transmitting utility, must show that it covers this type of collateral, must recite that it is to be filed for record in the real estate records, and the financing statement must contain a description of the real estate sufficient if it were contained in a mortgage of real estate to give constructive notice of the mortgage under the law of this state. If the debtor does not have an interest of record in the real estate, the financing statement must show the name of a record owner.

(6) A mortgage is effective as a financing statement filed as a fixture filing from the date of its recording if (a) the goods are described in the mortgage by item or type, (b) the goods are or are to become fixtures related to the real estate described in the mortgage, (c) the mortgage complies with the requirements for a financing statement in this section other than a recital that it is to be filed in the real estate records, and (d) the mortgage is duly recorded. No fee with reference to the financing statement is required other than the regular recording and satisfaction fees with respect to the mortgage.

(7) A financing statement sufficiently shows the name of the debtor if it gives the individual, partnership, limited liability company, or corporate name of the debtor, whether or not it adds other trade names or the names of the partners or members. Where the debtor so changes his or her name or in the case of an organization its name, identity or corporate structure that a filed financing statement becomes seriously misleading, the filing is not effective to perfect a security interest in collateral acquired by the debtor more than four months after the change, unless a new appropriate financing statement is filed before the expiration of that time. A filed financing statement remains effective with respect to collateral transferred by the debtor even though the secured party knows of or consents to the transfer.

(8) A financing statement substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading. The failure to include the social security number or the federal tax identification number shall not render any filing unperfected.

Sec. 3. That original sections 9-306 and 9-402, Uniform Commercial Code, are repealed.".

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 1153 in the Journal. No objections. So ordered.

AM3495

(Amendments to Standing Committee amendments, AM3335)

1. On page 1, line 2, strike "1" and insert "5".

2. Strike amendments 2, 3, and 4 and insert the following new amendments:

"2. On page 4, line 24, strike 'twenty-five' and insert 'twenty-four'; and in line 28 strike 'and'.

3. On page 5, line 1, strike 'one-half'; and strike beginning with 'to' in line 1 through '2-1208' in line 2.

4. On page 6, lines 11 through 14, strike the new matter and insert 'two-tenths of one percent of the gross sum wagered by the parimutuel method at each licensed racetrack enclosure during the calendar year and' and in lines 14 through 27 reinstate the old matter.".

ADJOURNMENT

At 5:05 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Thursday, March 3, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

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THIRTY-FIFTH DAY - MARCH 3, 1994

LEGISLATIVE JOURNAL

THIRTY-FIFTH DAY - MARCH 3, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 3, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Wenda Fry, Bethany Lutheran Church, Elkhorn, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Avery, Beutler, Byars, Coordsen, Dierks, Kristensen, Landis, Lindsay, Moore, Wesely, Will, Mmes. Bohlke, Robak, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fourth day was approved.

UNANIMOUS CONSENT - Member Excused

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

SELECT FILE

LEGISLATIVE RESOLUTION 29CA. E & R amendment, AM5651, found in the Journal on page 637, was adopted.

Mr. Chambers offered the following amendment:
FA407
Amend AM2689
Page 1, line 13, strike "disposition"

SPEAKER WITHEM PRESIDING

Mmes. Bohlke, Robak, and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Chambers amendment was adopted with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Mr. Hall offered the following amendment:
FA408

Amend AM2689 on page 1, line 18, after "(2)" strike the entire sentence "It shall be the duty of the Legislature to provide by law for the implementation of the rights granted in this section."

Mmes. Bohlke, Hudkins, Messrs. Pedersen, and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?"

Mr. Dierks moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Hall requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 14:

Byars	Cudaback	Jones	Pirsch	Wesely
Coordsen	Dierks	Monen	Vrtiska	Witek
Crosby	Elmer	Moore	Wehrbein	

Voting in the negative, 24:

Abboud	Bromm	Hall	Landis	Preister
Ashford	Chambers	Hartnett	Lindsay	Rasmussen
Bernard-Stevens	Day	Hillman	Lynch	Robinson
	Engel	Janssen	Matzke	Schellpeper
Bohlke	Fisher	Kristensen	McKenzie	Warner

Present and not voting, 1:

Withem

Absent and not voting, 1:

Robak

Excused and not voting, 9:

Avery	Haberman	Pedersen	Schmitt	Will
Beutler	Hudkins	Schimek	Wickersham	

The motion to cease debate lost with 14 ayes, 24 nays, 1 present and not voting, 1 absent and not voting, and 9 excused and not voting.

The Chair declared the call raised.

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

Mr. Hall offered the following amendment to his pending amendment: FA409

Amend the Hall amendment, FA408, by adding the following new language:

This section of the Constitution shall be implemented by law as provided by the Legislature.

MRS. CROSBY PRESIDING

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Jones moved the previous question. The question is, "Shall the debate now close?"

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

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Pirsch requested a roll call vote on the Hall amendment, FA409.

Voting in the affirmative, 19:

Abboud	Beutler	Hartnett	Monen	Wesely
Ashford	Chambers	Kristensen	Preister	Wickersham
Bernard-Stevens	Cudaback	Lindsay	Rasmussen	Will
	Hall	McKenzie	Schimek	Withem

Voting in the negative, 13:

Bromm	Elmer	Matzke	Vrtiska	Wehrbein
Byars	Fisher	Pirsch	Warner	Witek
Crosby	Jones	Schellpeper		

Present and not voting, 13:

Bohlke	Dierks	Hudkins	Lynch	Robinson
Coordsen	Engel	Janssen	Moore	Schmitt
Day	Hillman	Landis		

Excused and not voting, 4:

Avery	Haberman	Pedersen	Robak

The Hall amendment lost with 19 ayes, 13 nays, 13 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mrs. Hillman and Mr. Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hall withdrew his amendment, FA408.

Messrs. Bromm and Landis offered the following amendment:
FA410
Strike line 18, page 1, beginning with "It" through "law" on line 19, page 1, and substitute the following:
"The Legislature shall provide by law"

Messrs. Robinson and Preister asked unanimous consent to be excused until they return. No objections. So ordered.

The Bromm-Landis amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Messrs. Lynch, Landis, and Elmer asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA411
AM2689
P. 1, line 22, strike "forfeitures"

Ms. Day and Mr. Byars asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORT
Transportation

LEGISLATIVE BILL 80. Indefinitely postponed.

(Signed) Doug Kristensen, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 883, 883A, 942, 980, and 1015.

Enrollment and Review Change to LB 883

The following changes, required to be reported for publication in the Journal, have been made:
ER7425

1. On page 5, line 15, "This" has been struck and "Sections 1 to 30 of this" inserted; and in line 24, "sections 1 to 30 of" has been inserted after "with".

2. On page 13, line 16, "can" has been stricken and "may" inserted.

3. On page 17, line 21, "the provisions of" has been inserted after "with".

(Signed) Janis M. McKenzie, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 683 in the Journal. No objections. So ordered.

AM3497

(Amendments to E & R amendments, AM5677)

1. Insert the following new sections:

"Sec. 15. That section 85-1402, Revised Statutes Supplement, 1992, be amended to read as follows:

85-1402. For purposes of the Coordinating Commission for Postsecondary Education Act:

(1)(a) Capital construction project shall mean a project which utilizes tax funds designated by the Legislature and shall be: Any proposed new capital structure; any proposed addition to, renovation of, or remodeling of a capital structure; any proposed acquisition of a capital

structure by gift, purchase, lease-purchase, or other means of construction or acquisition that (i) will be directly financed in whole or in part with tax funds designated by the Legislature totaling at least the minimum capital expenditure for purposes of this subdivision or (ii) is likely, as determined by the institution, to result in an incremental increase in appropriation or expenditure of tax funds designated by the Legislature of at least the minimum capital expenditure for the facility's operations and maintenance costs in any one fiscal year within a period of ten years from the date of substantial completion of the project. No tax funds designated by the Legislature shall be appropriated or expended for any incremental increase of more than the minimum capital expenditure for the costs of the operations and utilities of any facility which is not included in the definition of capital construction project and thus is not subject to commission approval pursuant to the Coordinating Commission for Postsecondary Education Act. No institution shall include a request for funding such an increase in its budget request for tax funds designated by the Legislature nor shall any institution utilize any such funds for such an increase. The Governor shall not include in his or her budget recommendations, and the Legislature shall not appropriate, such funds for such increase.

(b) For purposes of this subdivision:

(i) Directly financed shall mean funded by:

(A) Appropriation of tax funds designated by the Legislature for the specific capital construction project;

(B) Property-tax levies used to establish a capital improvement and bond sinking fund pursuant to section 85-1515; or

(C) That portion of tax funds designated by the Legislature and appropriated by the Legislature for the general operation of the public institution and utilized to fund the capital project;

(ii) Minimum capital expenditure shall mean:

(A) For purposes of subdivision (a)(i) of this subdivision, a base amount of two hundred thousand dollars; and

(B) For the facility's operations and maintenance costs pursuant to subdivision (a)(ii) of this subdivision, a base amount of fifty thousand dollars for any one fiscal year.

Both base amounts shall be subject to any inflationary or market adjustments made by the commission pursuant to this subdivision. The commission shall adjust the base amounts on a biennial basis beginning January 1, 1996. The adjustments shall be based on percentage changes in a construction cost and other published index relevant to operations and utilities costs, both as selected by the

commission in cooperation with the public institutions. The index or indices shall reflect inflationary or market trends for the applicable operations and maintenance or construction costs; and

(iii) Incremental increase shall mean an increase in appropriation or expenditure of tax funds, designated by the Legislature of at least the minimum capital expenditure for a facility's operations and maintenance costs, beyond any increase due to inflation to pay for a capital structure's operations and maintenance costs that are a direct result of a capital construction project; ~~Capital construction project shall mean every proposed new capital structure, addition to or renovation or remodeling of an existing capital structure, lease purchase agreement for a capital structure, or other construction contract for a capital structure, the total cost of any of which (a) is five hundred thousand dollars or more or (b) is less than five hundred thousand dollars and the commission determines that it is of a type that should be reviewed and approved by the commission in order to carry out its purposes under the act. In determining the types of projects which should be reviewed and approved under subdivision (b) of this subdivision, the commission may by rule and regulation either determine which types of such projects should be subject to review and approval or determine which types of such projects should not be subject to review and approval. The criteria in the rules and regulations shall be based on serving the purpose of commission review of projects using tax funds designated by the Legislature that could (i) unnecessarily duplicate other projects, (ii) conflict with the statewide facilities plan, or (iii) otherwise conflict with the comprehensive statewide plan;~~

(2) Commission shall mean the Coordinating Commission for Postsecondary Education;

(3) Education center shall mean an off-campus branch of a public institution or cooperative of either public or public and private postsecondary educational institutions which offers instructional programs to students;

(4) Governing board shall mean the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, or the board of governors for each community college area;

(5) Program shall mean any program of instruction which leads directly to a degree, diploma, or certificate and, for purposes of section 85-1414, shall include public service programs and all off-campus instructional programs, whether or not such programs lead directly to a degree, diploma, or certificate. Program shall also include the establishment of any new college, school, major division, education center, or institute but shall not include reasonable and moderate

extensions of existing curricula which have a direct relationship to existing programs;

(6) Public institution shall mean each campus of a public postsecondary educational institution which is or may be established by the Legislature, which is under the direction of a governing board, and which is administered as a separate unit by the board; and

(7) Tax funds designated by the Legislature shall mean all state tax revenue and all property tax revenue.

Sec. 25. That section 85-968, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~85-968.~~ The Legislature hereby declares that it is the intent and purpose of sections ~~85-968 to 85-979~~ 25 to 31 of this act to provide for a state-level uniform information system for all public postsecondary education systems and institutions which will:

(1) Provide for a coordinated state-level information base regarding the activities of the public postsecondary education systems and institutions;

(2) Insure that the Legislature and other state and federal agencies obtain timely and accurate information concerning the programs, personnel, students, finances, and facilities of the state's postsecondary education systems and institutions;

(3) ~~Establish~~ Maintain procedures for the uniform definition and reporting of information;

(4) Avoid unnecessary, duplicative, and conflicting information requests by state-level agencies through the uniform definition and collection of data elements, identification of data necessary for annual reporting to the state, and development of uniform and comparable data classification systems;

(5) Provide information users and suppliers an opportunity to cooperatively ~~develop and implement~~ maintain a uniform information system; and

(6) ~~Establish~~ Maintain an information base to support state-level planning, budgeting, and performance evaluation activities for postsecondary education.

Sec. 26. That section 85-969, Revised Statutes Supplement, 1992, be amended to read as follows:

~~85-969.~~ For purposes of sections ~~85-968 to 85-979~~ 25 to 31 of this act, unless the context otherwise requires:

~~(1) Board shall mean the Executive Board of the Legislative Council;~~

~~(2) Committee shall mean the Appropriations Committee of the Legislature;~~

~~(3)~~ Commission shall mean the Coordinating Commission for Postsecondary Education; and

~~(4)~~ (2) Information system shall mean the uniform

information system established by such sections ~~85-968 to 85-979~~ and known as the Nebraska Educational Data System.

Sec. 27. That section 85-970, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~85-970.~~ The ~~committee~~ commission shall ~~prepare~~ maintain a comprehensive plan for a state-level public postsecondary education information system. The ~~comprehensive plan~~ commission shall:

(1) Identify the state-level information to be reported on an annual or periodic basis regarding each postsecondary system's and institution's programs, personnel, finances, students, and facilities utilization and inventory;

(2) Identify the data elements for which information will be collected and reported to the state;

(3) Identify the information classification formats to be used by the postsecondary systems and institutions in presenting program, financial, student, facility, personnel, and audit information;

(4) Identify the data-collection, reporting, and auditing procedures for the information system; and

(5) Identify a procedure for updating the information system to meet changing conditions. ;

~~(6) Present a four-phase timetable for development, implementation, and evaluation of the information system operational components; and~~

~~(7) Make provision for the transfer of the responsibility of operating the uniform information system to an administrative agency upon completion of the development and implementation of all phases of the system.~~

Sec. 28. That section 85-974, Revised Statutes Supplement, 1992, be amended to read as follows:

~~85-974.~~ The commission shall:

(1) Review and verify all information submitted by public postsecondary systems and institutions as part of the Integrated Postsecondary Education Data System and make such corrections in the submitted information as are necessary; and

(2) Prepare and disseminate an annual report of the information submitted by each public postsecondary system and institution and those private postsecondary educational institutions willing to cooperate as part of the Integrated Postsecondary Education Data System. ~~; and~~

~~(3) Assist the Legislature in developing and maintaining or, if operation of the information system is transferred pursuant to section 85-973, develop and maintain the information system, specifically to provide information on facilities utilization and an inventory of facilities.~~

Sec. 29. That section 85-975, Revised Statutes Supplement, 1992, be amended to read as follows:

~~85-975. The committee or, if the operation of the~~

~~information system is transferred pursuant to section 85-973,~~ ~~the~~ The commission shall provide ongoing means for ~~establish an advisory committee of~~ information suppliers and users to advise the ~~committee or~~ commission in carrying out sections 25 to 31 of this act. ~~85-968 to 85-979. The advisory committee shall include representatives from each public postsecondary education system, the Department of Administrative Services, the State Department of Education, the Governor's Policy Research Office, the Auditor of Public Accounts, the commission, and such other representatives as may be necessary to advise the committee or commission.~~

Sec. 30. That section 85-976, Revised Statutes Supplement, 1992, be amended to read as follows:

~~85-976.~~ Each public postsecondary education system and institution shall report information as required by ~~the committee or, if operation of the information system has been transferred pursuant to section 85-973,~~ the commission pursuant to section 25 to 31 of this act.

Sec. 31. That section 85-979, Revised Statutes Supplement, 1992, be amended to read as follows:

~~85-979.~~ In order to carry out its responsibilities under sections ~~85-968 to 85-979~~ 25 to 31 of this act, the ~~committee or, if operation of the information system is transferred pursuant to section 85-973,~~ the commission shall:

(1) Periodically meet and confer with officials of the state and its political subdivisions having responsibility for postsecondary education services;

(2) Consult with and utilize the services of any office, department, or agency of the state; and

(3) Employ such personnel as may be necessary to assist it in the performance of its duties.

Sec. 32. The Revisor of Statutes shall assign sections 25 to 31 of this act to Chapter 85, article 14.".

2. On page 17, line 24, strike "85-968 to 85-979", show as stricken, and insert "25 to 31 of this act".

3. On page 38, line 24, before "and" insert ", 85-968, 85-970,"; and in line 27 after the first comma insert "85-969, 85-974, 85-975, 85-976, 85-979," and after the third comma insert "85-1402,".

4. On page 39, line 3, after "sections" insert "85-971, 85-973, and"; and in line 5 strike "section" and insert "sections 85-977, 85-978, and".

5. Renumber the remaining sections accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 910 in the Journal. No objections. So ordered.

(Amendment, AM3485, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 2, 1994. Further lists listing additional lobbyists who have registered will be filed weekly.

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

Boehm, John - Lincoln	Nebraska Mortgage Association (Withdrawn 02/14/94)
Cline, Williams, Wright, Johnson & Oldfather	
Campbell, Mary M. - Lincoln	Bridgestone/Firestone (Withdrawn 02/09/94)
Cutshall, Bruce A. - Lincoln	Knudsen, Berkheimer, Richardson & Endacott
Jensen Associates, Inc.	
Jensen, Ronald L. - Lincoln	Nebraska Coalition for Family Resource Centers
McGucken, Dennis - Lincoln	Nebraskans Against the Death Penalty (Withdrawn 01/17/94)
New West Communications	
Steinheider, Barbara - Lincoln	Nebraska Dental Hygenist Association (Withdrawn 03/01/93)

MOTION - Place LB 80 on General File

Mrs. Crosby moved to place LB 80 on General File, notwithstanding the action of the committee, pursuant to Rule 3, Section 17.

Laid over.

VISITORS

Visitors to the Chamber were Frank Stute, Dale Bischoff, and Jeff Clark from Imperial; 17 seniors and sponsor from Cedar Bluffs High School; 30 fourth grade students and sponsor from Watson Elementary School, Hastings; and nurses from across the state.

RECESS

At 11:58 a.m., on a motion by Speaker Withem, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Dierks, Haberman, and Pedersen who were excused; and Messrs. Ashford, Elmer, Hall, Kristensen, Lindsay, Matzke, Mmes. Bohlke, Hillman, Hudkins, Pirsch, Rasmussen, and Robak who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1066. Title read. Considered.

Standing Committee amendment, AM2961, found in the Journal on page 579, was adopted with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Advanced to E & R for review with 28 ayes, 2 nays, 9 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1127. Title read. Considered.

Standing Committee amendment, AM2956, found in the Journal on page 600, was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

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

LEGISLATIVE BILL 957. Title read. Considered.

Standing Committee amendment, AM3206, found in the Journal on page 765, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1074. Title read. Considered.

Standing Committee amendment, AM3208, found in the Journal on page 766, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1074A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1311. Title read. Considered.

Standing Committee amendment, AM3016, found in the Journal on page 620, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

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

LEGISLATIVE BILL 1306. Title read. Considered.

Standing Committee amendment, AM3026, printed separately from the Journal and referred to on page 656, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1306A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

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

LEGISLATIVE BILL 1083. Title read. Considered.

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

Standing Committee amendment, AM3124, found in the Journal on page 746, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1101. Title read. Considered.

Standing Committee amendment, AM3220, found in the Journal on page 754, was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

MESSAGE FROM THE GOVERNOR

March 3, 1994

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 28 was received in my office on February 25, 1994.

This bill was signed by me on March 3, 1994, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

UNANIMOUS CONSENT - Print in Journal

Messrs. Lindsay, Hartnett, Withem, Mmes. Robak, and Crosby asked unanimous consent to print the following amendment to LB 903 in the Journal. No objections. So ordered.

AM3514
(Amendments to Standing Committee amendments, AM2834)

1. Insert the following section:

"Sec. 3. That section 43-2,119, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-2,119. ~~In~~ (1) Until July 1, 1995, in each county of this state having a population of seventy-five thousand and not more than two hundred thousand population in which a separate juvenile court has been established, there shall be one judge of the separate juvenile court, and in each county of this state having more than two hundred thousand population in which a separate juvenile court has been established, there shall be two judges of the separate juvenile court.

(2) On and after July 1, 1995, in each county of

this state having a population of one hundred thousand and less than two hundred thousand population in which a separate juvenile court has been established, there shall be one judge of the separate juvenile court; in each county of this state having a population of two hundred thousand or more but less than four hundred thousand in which a separate juvenile court has been established, there shall be two judges of the separate juvenile court; and in each county of this state having a population of four hundred thousand or more in which a separate juvenile court has been established, there shall be three judges of the separate juvenile court.

(3) On and after July 1, 1996, in each county of this state having a population of one hundred thousand and not more than four hundred thousand population in which a separate juvenile court has been established, there shall be two judges of the separate juvenile court; and in each county of this state having a population of four hundred thousand or more in which a separate juvenile court has been established, there shall be three judges of the separate juvenile court.

(4) In counties having two or more judges of the separate juvenile court, upon the swearing in of the second judge, the senior judge in point of service as a juvenile court judge shall be the presiding judge. The judges shall rotate the office of presiding judge every three years unless the judges agree to another system.".

2. On page 2, lines 13 and 14 and 17, strike the new matter and reinstate the stricken matter; and in line 22 after the period insert "Until July 1, 1996, in the second district there shall be three judges of the district court. On and after July 1, 1996, in the second district there shall be four judges of the district court.".

3. On page 4, line 19, after "original" insert "section 43-2,119, Reissue Revised Statutes of Nebraska, 1943, and".

4. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 1107. Title read. Considered.

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

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1183. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1287. Title read. Considered.

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

Standing Committee amendment, AM3267, found in the Journal on page 801, was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Jones asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 2 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1287A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1243. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1153. Title read. Considered.

Standing Committee amendment, AM3335, found in the Journal on page 829, was considered.

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

Mr. Schellpeper renewed his pending amendment, AM3495, found in the Journal on page 988, to the Standing Committee amendment.

The Schellpeper amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 647. Mrs. Witek withdrew her pending amendment, FA322, found in the Journal on page 470.

Mr. Bernard-Stevens withdrew his amendments, FA323 and AM2932, found in the Journal on pages 475 and 628.

Mrs. McKenzie renewed her pending amendment, AM2851, found in the Journal on page 946.

Mr. Elmer asked unanimous consent to be excused. No objections. So ordered.

The McKenzie amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 647A. Title read. Considered.

Mr. Janssen asked unanimous consent to be excused. No objections. So ordered.

Mrs. McKenzie moved to indefinitely postpone LB 647A.

The McKenzie motion to indefinitely postpone prevailed with 22 ayes, 0 nays, 18 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 972. Title read. Considered.

Standing Committee amendment, AM2902, found in the Journal on page 565, lost with 2 ayes, 15 nays, 23 present and not voting, and 9 excused and not voting.

Mr. Warner offered the following amendment:
AM3508

1. On page 2, line 25, after the period insert "Any statement provided to someone other than a tax official shall have the social security number or federal employer identification number of the grantee obscured.".

Messrs. Ashford and Byars asked unanimous consent to be excused. No objections. So ordered.

The Warner amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 908. Title read. Considered.

Standing Committee amendment, AM2971, found in the Journal on page 597, was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 957 in the Journal. No objections. So ordered.

AM3482

1. Insert the following new sections:

"Sec. 2. That section 1-111, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

1-111. (1) All fees collected under the provisions of the Public Accountancy Act of 1957 and all costs collected under subdivision (8) of section 1-148 shall be ~~paid~~ remitted by the secretary of the board~~, as collected, into the state treasury, and~~ to the State Treasurer ~~shall enter and carry on his records all such collections in a separate fund to be designated as~~ for credit to the Public Accountants Fund which is hereby created. Such fund shall, if and when specifically appropriated by the Legislature during any biennium for that purpose, be paid out from time to time by the State Treasurer upon warrants drawn by the Director of Administrative Services on vouchers signed by the secretary of the board, and such office and expense thereof shall not be supported or paid from any other fund of the state. Any money in the Public Accountants Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to ~~72-1259~~ 72-1276.

(2) All civil penalties collected under subdivision (5) of section 1-148 shall be remitted by the secretary of the board to the State Treasurer for credit to the permanent school fund.

Sec. 6. That section 1-148, Revised Statutes Supplement, 1993, be amended to read as follows:

1-148. Upon the completion of any hearing, the board, by majority vote, shall have the authority through entry of a written order to take in its discretion any or all of the following actions:

(1) Issuance of censure or reprimand;

(2) Suspension of judgment;

(3) Placement of the permitholder, certificate holder, or holder of a registration on probation;

(4) Placement of a limitation or limitations on the permit, certificate, or registration and upon the right of the permitholder, certificate holder, or holder of a registration to practice the profession to such extent, scope, or type of practice for such time and under such conditions as are found necessary and proper;

(5) Imposition of a civil penalty not to exceed ten thousand dollars. The amount of the penalty shall be based on the severity of the violation;

(6) Entrance of an order of suspension of the permit, certificate, or registration;

(7) Entrance of an order of revocation of the permit, certificate, or registration; ~~or~~

(8) Imposition of costs as in ordinary civil actions in the district court, which may include attorney and hearing officer fees incurred by the board and the expenses of any investigation undertaken by the board; or

(9) Dismissal of the action.".

2. On page 7, line 13, strike "section" and insert "sections 1-111 and"; and in line 14 strike the last "and" and after the last comma insert "and 1-148,".

3. Renumber the remaining sections accordingly.

Messrs. Will and Hall asked unanimous consent to print the following amendment to LB 1354 in the Journal. No objections. So ordered.

AM3509

1. On page 4, line 20, after "receipts" insert ". On and after January 1, 1996, any racetrack that had for its previous race meet a total parimutuel handle of less than fifty million dollars shall withhold an amount equal to one-eighth of one percent of such receipts and any racetrack that had for its previous race meet a total parimutuel handle of fifty million dollars or more shall withhold an amount equal to one-fourth of one percent of such receipts. On and after January 1, 1996, the withholding of such receipts shall be deducted from purses".

2. On page 5, line 14, strike "One-half", show as stricken, and insert "Before January 1, 1996, one-half"; in line 15 after "received" insert "under this subsection"; and in line 16 after "track" insert ", and on and after January 1, 1996, the entire amount received by a racetrack shall be used to supplement purses at the track".

Mr. Bromm asked unanimous consent to print the following amendment to LB 944 in the Journal. No objections. So ordered.

AM3388

1. Insert the following new section:

"Sec. 6. That section 49-1492, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1492. (1) No person shall be employed as a lobbyist for compensation contingent in any manner upon the outcome of an administrative or legislative action.

(2) No person shall instigate the introduction of legislation for the purpose of obtaining employment in opposition thereto.

(3) No person shall attempt to influence the vote of the legislators on any matters pending or to be proposed by the promise of financial support or the financing of opposition to his or her candidacy at any future election.

(4) No person shall engage in practices which reflect discredit on the practice of lobbying or on the Legislature.

(5) No person shall engage in lobbying activities as a registered lobbyist for compensation for two years after the date he or she ceases to be a member of the Legislature, except that any person who was a member of the Legislature within such time and was registered with the Clerk of the Legislature as a lobbyist on the effective date of this act shall be exempt from this subsection.

(6) ~~(5)~~ Any person violating the provisions of this section shall be guilty of a Class III misdemeanor.".

2. On page 8, line 12, after "original" insert "section 49-1492, Reissue Revised Statutes of Nebraska, 1943,".

Mr. Warner asked unanimous consent to print the following amendment to LB 683 in the Journal. No objections. So ordered.

AM3516

(Amendments to AM3497)

1. On page 7, line 5, strike "plan for a" and show as stricken.

Messrs. Avery, Vrtiska, and Fisher asked unanimous consent to print the following amendment to LB 76 in the Journal. No objections. So ordered.

AM3529

1. Insert the following new section:

"Sec. 34. The election commissioner and deputy election commissioner, once appointed, qualified, bonded, and

sworn into office, shall not hold a political party office, endorse any candidates, participate in or be a member or officer of a candidate committee of any candidate for public office, or participate in political party activities, other than to conduct voter registration, get-out-the-vote seminars, or recognition events for volunteers. The election commissioner or deputy election commissioner shall not be a member of any candidate's campaign staff or publicly advocate anyone's candidacy.".

2. On page 14, line 16; page 15, lines 3 and 15; page 16, line 16; and page 17, line 5, strike "fifty" and insert "one hundred".

3. On page 15, line 1, after the period insert "The election commissioner shall be an officer of the county and shall not otherwise be subject to the jurisdiction or authority of the Governor, except as set forth in section 33 of this act.".

4. On page 20, line 26, after the period insert "The election commissioner, the deputy election commissioner, and all employees of the office of the election commissioner shall be governed by and comply with the duly established county personnel policies and procedures adopted by the county board, unless such policies or procedures conflict with the duties and responsibilities of the election commissioner as set forth in the Election Act.".

5. Renumber the remaining sections and correct internal references accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 76A. Introduced by Schimek, 27; Withem, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 76, Ninety-third Legislature, Second Session, 1994.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Beutler asked unanimous consent to have his name added as cointroducer to LB 647. No objections. So ordered.

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LB 908. No objections. So ordered.

VISITORS

Visitors to the Chamber were Bill, Donna, Ben, and Alex Stuart; 30 fourth grade students and teacher from Trinity Lutheran School, Lincoln; and 15 fourth grade students and sponsor from Central Christian School, Omaha.

ADJOURNMENT

At 4:10 p.m., on a motion by Mr. Will, the Legislature adjourned until 9:00 a.m., Tuesday, March 8, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-SIXTH DAY - MARCH 8, 1994

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 8, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Deb Kevern, Presbyterian Church of the Master, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hall and Mrs. Robak who were excused; and Messrs. Abboud, Ashford, Avery, Bernard-Stevens, Bromm, Dierks, Kristensen, Landis, Lindsay, Warner, Wesely, Will, Mmes. Bohlke, and Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 872, line 37, strike "Select" and insert "General".
Page 872, line 38, strike "E & R" and insert "Standing Committee".
The Journal for the thirtieth day was approved as corrected.
The Journal for the thirty-fifth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1337. Placed on Select File as amended.
E & R amendment to LB 1337:
AM5681

1. On page 2, line 3, strike "and 5" and insert "to 6".

2. On page 5, strike beginning with "State" in line 2 through "(21)" in line 14; and after line 17 insert:

"(19) State unemployment insurance tax shall mean

that portion of the combined tax commencing January 1, 1996, which is based upon the state unemployment insurance tax rate portion of the combined tax rate and which is deposited in the State Unemployment Insurance Trust Fund as required by sections 48-648 and 48-649;

(20) State unemployment insurance tax rate shall mean the percentage of the combined tax rate used to determine the state unemployment insurance tax portion of the combined tax;

(21) Unemployment Trust Fund shall mean the trust fund in the Treasury of the United States of America established under section 904 of the Social Security Act which receives credit from the state Unemployment Compensation Fund;".

3. On page 10, line 21, strike "subsection" and show as stricken.

4. On page 15, line 23, insert paragraphing after "or"; and in line 25 insert paragraphing before "As".

5. On page 17, line 27, after "(i)" insert "In".

6. On page 20, line 27, strike "subsection", show as stricken, and insert "subdivision".

7. On page 21, line 4, strike "Nebraska" and show as stricken.

8. On page 22, line 10, strike "(h) of subdivision (6)", show as stricken, and insert "(6)(h)".

9. On page 23, line 8, strike "shall be" and insert "are".

10. On page 24, line 9, strike the semicolon and insert an underscored period.

11. On page 25, line 2, strike "Cost" and insert "Costs".

12. On page 29, line 15 after "and" insert "for calendar years".

13. On page 39, line 14, strike "Unemployment Trust Fund", show as stricken, and insert "unemployment trust fund".

14. On page 44, line 19, strike "subsection", show as stricken, and insert "subdivision".

15. On page 45, line 21; and page 47, line 6, strike the second "subdivision", show as stricken, and insert "subsection".

16. On page 46, line 20; and page 47, lines 2, 8, and 28, strike "subdivision", show as stricken, and insert "subsection".

LEGISLATIVE BILL 1160. Placed on Select File as amended.
E & R amendment to LB 1160:
AM5686

1. On page 1, line 16, after the semicolon insert "to provide penalties;"; and in line 17 after the semicolon

insert "to eliminate certain collection provisions;".

2. On page 4, line 25, after "partnership" insert ", limited liability company,".

3. On page 10, line 14, strike "make a report" and insert "file a return"; and in line 17 strike "reports" and insert "returns".

4. On page 12, line 10, strike "fuels" and insert "fuel".

5. On page 16, lines 17 and 24, after "average" insert "Nebraska motor".

6. On page 17, line 12, strike the comma; and in line 21 after "Otherwise" insert an underscored comma.

7. On page 27, line 18, strike ", and" and insert "and,".

8. On page 56, lines 10 and 19; and page 57, line 1, strike "section 82" and all amendments thereto and insert "sections 83 and 87 to 93".

9. On page 69, line 19, after "Act" insert an underscored comma.

10. On page 70, line 5, strike the second "or" and show as stricken; and in line 7 after the semicolon insert "or".

11. On page 87, line 10, strike "section 128" and all amendments thereto and insert "sections 126 and 129".

Correctly Reengrossed

The following bill was correctly reengrossed: 642.

Correctly Engrossed

The following bills were correctly engrossed: 188, 211, 211A, 611, 929, 967, 1106, 1106A, and 1116.

Enrollment and Review Change to LB 1106

The following changes, required to be reported for publication in the Journal, have been made:
ER7424

1. On page 3, line 22, "and section 6 of this act" has been inserted after "43-2,106".

(Signed) Janis M. McKenzie, Chairperson

MESSAGES FROM THE GOVERNOR

March 3, 1994

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 407, 416, 451, 490, 934, 1019, 1027, 424, 608, and 608A were received in my office on February 25, 1994.

These bills were signed by me on March 3, 1994, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

March 7, 1994

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 414, 460, 693, 379, and 594 were received in my office on March 2, 1994.

These bills were signed by me on March 7, 1994, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

March 3, 1994

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

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Power Review Board.

APPOINTEE: Rick A. Morehouse

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

The Committee on Government, Military and Veterans Affairs desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Catherine Walters - Crime Victims Reparations Committee

VOTE: Aye: Senators Cudaback, Janssen, Pirsch, Robinson, Schmitt, Witek. Present, Not Voting: Senator Schimek. Absent: Senator Haberman.

The Committee on Government, Military and Veterans Affairs desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Jean Lovell - Governor's Policy Research and Energy Office
Allen Curtis - Director of the NE Commission on Law Enforcement and Criminal Justice

VOTE: Aye: Senators Cudaback, Janssen, Pirsch, Robinson, Schimek, Schmitt, and Witek. Absent: Senator Haberman.

(Signed) DiAnna R. Schimek, Chairperson

REPORT

Received report from the City of Lincoln Training Resource Center on the proposed Job Training Plan funded by the Job Training Partnership Act (JTPA), Titles IIA, IIC, and IIB.

SELECT FILE

LEGISLATIVE RESOLUTION 29CA. The Chambers pending amendment, FA411, found in the Journal on page 993, was renewed.

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 3:

Chambers	Schimek	Withem

Voting in the negative, 29:

Ashford	Cudaback	Hillman	Monen	Vrtiska
Avery	Day	Hudkins	Moore	Wehrbein
Bohlke	Elmer	Janssen	Pedersen	Wesely
Byars	Engel	Jones	Pirsch	Wickersham
Coordsen	Fisher	Landis	Robinson	Witek
Crosby	Haberman	Matzke	Schmitt	

Present and not voting, 7:

Beutler	Lynch	Preister	Rasmussen	Schellpeper
Hartnett	McKenzie			

Excused and not voting, 10:

Abboud	Bromm	Hall	Lindsay	Warner
Bernard-Stevens	Dierks	Kristensen	Robak	Will

The Chambers amendment lost with 3 ayes, 29 nays, 7 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Monen offered the following amendment:
FA412
Amend AM2689
Page 1, line 24, after "victims."
The Legislature shall establish a Bureau of Victims Rights and, in the event the assessments, forfeitures, or fines against convicted defendants are not sufficient, shall appropriate funds for the employment of qualified social workers and support staff to implement the rights herein granted.

Mr. Monen withdrew his amendment.

Mr. Chambers offered the following amendment:
FA413
Amend AM2689

Page 1, line 23, put a period after "defendants" and strike language through the period in line 24.

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

Mr. Chambers moved for a call of the house. The motion prevailed with 11 ayes, 1 nays, and 37 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 2:

Chambers	Lindsay

Voting in the negative, 24:

Avery	Engel	Landis	Rasmussen	Vrtiska
Byars	Fisher	Monen	Robinson	Wehrbein
Coordsen	Hillman	Moore	Schellpeper	Wesely
Crosby	Hudkins	Pedersen	Schimek	Witek
Elmer	Jones	Pirsch	Schmitt	

Present and not voting, 12:

Ashford	Cudaback	Janssen	McKenzie	Wickersham
Beutler	Day	Lynch	Preister	Withem
Bohlke	Hartnett			

Absent and not voting, 1:

Matzke

Excused and not voting, 10:

Abboud	Bromm	Haberman	Kristensen	Warner
Bernard-Stevens	Dierks	Hall	Robak	Will

The Chambers amendment lost with 2 ayes, 24 nays, 12 present and not voting, 1 absent and not voting, and 10 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 1022. Placed on General File as amended.
Standing Committee amendment to LB 1022:
AM3392

1. On page 2, line 28, strike "an" and insert "any political subdivision which owns or operates or has previously owned or operated a landfill or any".

2. On page 3, strike beginning with "which" in line 2 through "otherwise" in line 3.

(Signed) Chris Beutler, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 1268. Placed on General File as amended.
Standing Committee amendment to LB 1268:
AM3539

1. Insert the following new section:

"Sec. 2. That section 84-1511.01, Revised Statutes Supplement, 1992, be amended to read as follows:

84-1511.01. (1) The Public Employees Retirement Board shall~~, within two years after September 6, 1991,~~ establish a comprehensive retirement education and financial planning program for all members of the State Employees Retirement System of the State of Nebraska and, after the effective date of this act, for all members of the Retirement System for Nebraska Counties who are under age fifty and not eligible to attend the preretirement planning program established in section 84-1511.

(2) The retirement education and financial planning program shall include discussion on the retirement system, financial planning, and budgeting as well as any other planning information valuable to employees before they reach age fifty.

(3) The employer shall provide each eligible employee leave with pay to attend a retirement education and financial planning program ~~once within four years from September 6, 1991~~ twice prior to age fifty. An employee may choose to attend a program more than ~~once~~ twice, but leave to attend a program shall be at the expense of the employee. An employee may not attend a program more than once per fiscal year.

(4) ~~Any new member of the retirement system shall have the option of attending a retirement education and financial planning program within the first twelve months of his or her membership in the system.~~

~~(5)~~ Funding to cover the expense of the retirement education and financial planning program shall be charged to the State Employees Retirement Fund and the County Employees Retirement Fund proportionately.

~~(6)~~ (5) A nominal registration fee shall be charged each person attending a retirement education and financial planning program to cover the costs for meals or meeting rooms or other expenses incurred for the program.".

2. On page 3, strike beginning with "Leave" in line 6 through "program" in line 8, show the old matter as stricken, and insert "The employer shall provide each eligible employee leave with pay to attend up to two preretirement planning programs if the employee is qualified and registered to attend such programs. For purposes of this subsection, leave with pay shall mean a day off paid by the employer and shall not mean vacation, sick, personal, or compensatory time"; in line 17 after "original" insert "section 84-1511.01, Revised Statutes Supplement, 1992, and "; and in line 18 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 296. Indefinitely postponed.
LEGISLATIVE BILL 459. Indefinitely postponed.
LEGISLATIVE BILL 602. Indefinitely postponed.
LEGISLATIVE BILL 699. Indefinitely postponed.
LEGISLATIVE BILL 1047. Indefinitely postponed.
LEGISLATIVE BILL 1291. Indefinitely postponed.
LEGISLATIVE BILL 1338. Indefinitely postponed.

(Signed) Wm. R. Wickersham, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 326. Introduced by Coordsen, 32.

WHEREAS, Mark Knobel of Fairbury, was named the 1994 Outstanding Young Farmer by the Nebraska Jaycees; and

WHEREAS, Mark Knobel was chosen as one of four 1994 National Outstanding Young Farmers at the National Outstanding Young Farmer Awards Congress, a national competition sponsored by Deere & Company and administered by the U. S. Jaycees; and

WHEREAS, Mark Knobel as part-owner and general manager of Knobel Farms, Inc., has made significant contributions to agriculture and his community; and

WHEREAS, Mark Knobel has brought honor to this state for his civic leadership, business acumen, and agricultural accomplishments.

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

1. That the members of the Legislature congratulate Mark Knobel on his achievement.

2. That a copy of this resolution be sent to Mr. Knobel.

Laid over.

LEGISLATIVE RESOLUTION 327. Introduced by Coordsen, 32.

WHEREAS, the Deshler High School girls' basketball team captured the Class C-2 Girls State High School Basketball Championship; and

WHEREAS, the championship was the final victory of an outstanding 23-0 season; and

WHEREAS, the team and Coach Rick Chramosta deserve special recognition for the team work, discipline, and spirit which they displayed throughout the season.

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

1. That the Legislature congratulates the Deshler High School girls' basketball team and Coach Rick Chramosta.

2. That a copy of this resolution be sent to the Deshler High School girls' basketball team and Coach Rick Chramosta.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 1074 in the Journal. No objections. So ordered.

AM3487

1. Insert the following new sections:

"Sec. 17. An insurer may not require repairs to be made to a motor vehicle prior to payment of the amount due the insured under the comprehensive coverage of a motor vehicle insurance policy. If the insured decides not to make repairs to the motor vehicle, the insurer shall not reduce the amount payable to the insured and the payment shall be in the amount that would have been paid had the repairs been made.

Sec. 18. An insurer may not require repairs to be made to a house or other structure prior to payment of the amount due the insured under the insured's homeowner's insurance policy. If the insured decides not to make repairs to the house or other structure, the insurer shall not reduce the amount payable to the insured and the payment shall be in the amount that would have been paid had the repairs been made.".

2. On page 14, line 12, strike "19" and insert "21".

3. Renumber the remaining sections accordingly.

Mr. Beutler asked unanimous consent to print the following amendment to LB 76 in the Journal. No objections. So ordered.

AM3573

1. On page 214, line 28, strike beginning with "now" through "the" and insert "provided by the Rules of the Nebraska Unicameral Legislature.".

2. On page 215, line 1, strike beginning with "taking" through the period.

3. On page 218, line 19, strike "On" and insert "(1) Except as provided in subsection (2) of this section, on".

4. On page 219, after line 2, insert the following new subsection:

"(2) In an election contest for a seat in the Legislature, the Legislature may establish rules and procedures for the recount of ballots. Such rules and procedures may provide for delivery to the Legislature or a committee of the Legislature designated by the Legislature before which a contested election is pending, by the election commissioner or county clerk, of the ballots or notarized copies of the ballots which were cast at the election in contest."; in line 3 before "The" insert "(1)"; after line 17 insert the following new subsection:

"(2) If the ballots or notarized copies of the ballots were examined as part of an election contest for a seat in the Legislature, the Legislature shall return such ballots or notarized copies of such ballots to the election commissioner or county clerk at the conclusion of the election contest."; in line 25 strike "shall" and insert "may"; and strike beginning with "a" in line 26 through "services" in line 27 and insert "reimbursement for reasonable attorney's fees".

Mr. Pedersen asked unanimous consent to print the following amendment to LB 694 in the Journal. No objections. So ordered.

(Amendment, AM4035, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of a Governor appointment.

Morehouse, Rick A. - Nebraska Power Review Board -- Natural Resources

(Signed) Timothy J. Hall, Chairperson
Legislative Council

Executive Board

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 984 in the Journal. No objections. So ordered.

AM3540

(Amendments to Standing Committee amendments, AM3408)

1. On page 3, lines 22 and 23, strike "two" and insert "six".

Mr. Hall asked unanimous consent to print the following amendment to LB 984 in the Journal. No objections. So ordered.

AM3542

(Amendments to Standing Committee amendments, AM3408)

1. Insert the following new section:

"Sec. 9. Any ethanol facility eligible for tax credits or incentives under the Ethanol Development Act, the Employment and Investment Growth Act, or the Employment Expansion and Investment Incentive Act shall whenever possible employ workers who are residents of the State of Nebraska.".

2. Renumber the remaining sections accordingly.

Mr. Hall asked unanimous consent to print the following amendment to LB 984 in the Journal. No objections. So ordered.

AM3541

(Amendments to Standing Committee amendments, AM3408)

1. On page 10, line 19, strike "and" and show as stricken; in line 24 before the period insert "; and

(f) A stipulation which requires the producer to hire contractors who employ construction workers who receive health care and retirement benefits through employer contributions".

Mr. Hall asked unanimous consent to print the following amendment to LB 984 in the Journal. No objections. So ordered.

AM3543

(Amendments to Standing Committee amendments, AM3408)

1. On page 4, line 12, after "remit", insert "three hundred thousand dollars annually of"; and in line 13 after "the" insert "Agricultural Alcohol Fuel Tax Fund, and shall remit the remaining amount of the excise taxes to the State Treasurer for credit to the".

SELECT FILE

LEGISLATIVE RESOLUTION 29CA. Mr. Chambers offered the following amendment:
FA414
Amend AM2689
Page 1, line 22, strike "assessments"

Mr. Avery and Ms. Day asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 2:

Bernard-Stevens	Chambers

Voting in the negative, 26:

Abboud	Engel	Matzke	Robinson	Warner
Byars	Fisher	Monen	Schellpeper	Wehrbein
Coordsen	Hillman	Moore	Schimek	Wickersham
Crosby	Hudkins	Pedersen	Schmitt	Will
Cudaback	Landis	Pirsch	Vrtiska	Witek
Elmer				

Present and not voting, 14:

Ashford	Dierks	Jones	McKenzie	Wesely
Beutler	Hartnett	Lindsay	Preister	Withem
Bohlke	Janssen	Lynch	Rasmussen	

Excused and not voting, 7:

Avery	Day	Hall	Kristensen	Robak
Bromm	Haberman			

The Chambers amendment lost with 2 ayes, 26 nays, 14 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers offered the following amendment:

FA415
Amend AM2689
Page 1, line 22, after "assessments", insert "or" and strike "or fines"

Mr. Chambers moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Abboud	Chambers	Lindsay	Schimek	Wesely
Ashford	Landis	Rasmussen	Warner	Will
Bernard-Stevens				

Voting in the negative, 15:

Coordsen	Fisher	Monen	Pirsch	Vrtiska
Crosby	Janssen	Moore	Robinson	Wehrbein
Engel	Matzke	Pedersen	Schellpeper	Witek

Present and not voting, 15:

Beutler	Cudaback	Hartnett	Jones	Schmitt
Bohlke	Dierks	Hillman	Lynch	Wickersham
Byars	Elmer	Hudkins	Preister	Withem

Excused and not voting, 8:

Avery	Day	Hall	McKenzie	Robak
Bromm	Haberman	Kristensen		

The Chambers amendment lost with 11 ayes, 15 nays, 15 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Messrs. Wesely, Vrtiska, Dierks, Byars, Matzke, Robinson, and Mrs. Rasmussen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA416
P. 1, line 20 Strike, beginning with "Notwithstanding" through the period in line 24.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 11:

Crosby	Hudkins	Pirsch	Schmitt	Will
Engel	Moore	Schellpeper	Wehrbein	Witek
Hillman				

Present and not voting, 24:

Abboud	Bohlke	Hartnett	Lindsay	Preister
Ashford	Coordsen	Janssen	Lynch	Schimek
Bernard-Stevens	Cudaback	Jones	McKenzie	Warner
	Elmer	Kristensen	Monen	Wickersham
Beutler	Fisher	Landis	Pedersen	Withem

Excused and not voting, 13:

Avery	Day	Hall	Robak	Vrtiska
Bromm	Dierks	Matzke	Robinson	Wesely
Byars	Haberman	Rasmussen		

The Chambers amendment lost with 1 aye, 11 nays, 24 present and not voting, and 13 excused and not voting.

Mrs. Pirsch moved to suspend the rules, Rule 6, Section 5 and Rule 7, Sections 3 and 7, and vote on the advancement of LR 29CA without further amendment or debate.

Messrs. Landis and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 872 in the Journal. No objections. So ordered.

AM3576

(Amendments to Final Reading copy)

1. Insert the following new section:

"Section 1. That section 75-104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-104. The salary of each commissioner shall be thirty-five thousand dollars. Commencing January 3, 1991, the annual salary of each commissioner shall be forty-two thousand

dollars. The commissioners shall be entitled to receive from the state their mileage expenses incurred while traveling in the line of duty from their residences to the office of the Public Service Commission in Lincoln. In addition thereto, the commissioners, secretary, clerks, and other employees of the commission shall be entitled to receive from the state their actual necessary traveling expenses, ~~which shall include~~ including the cost of transportation while traveling on the business of the commission, to be paid in the same manner as other requests for payment or reimbursement from the state. In computing the cost of transportation for the commissioners, secretary, clerks, and other employees, no mileage or other traveling expense shall be requested or allowed unless sections 81-1174 to 81-1177 are strictly complied with.".

2. On page 1, line 2, after "section" insert "75-104, Reissue Revised Statutes of Nebraska, 1943, and section" and after the semicolon insert "to change provisions relating to certain expenses incurred as prescribed;".

3. On page 2, line 10, strike "A" and insert "Except in case of an emergency and upon a motion to proceed with less than a quorum made by all parties and supported by a showing of clear and convincing evidence of such emergency and benefit to all parties, a".

4. On page 3, line 18, after "section" insert "75-104, Reissue Revised Statutes of Nebraska, 1943, and section"; and in line 19 strike "is" and insert "are".

BILL ON FIRST READING

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

LEGISLATIVE BILL 944A. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 944, Ninety-third Legislature, Second Session, 1994.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 153. Indefinitely postponed.
LEGISLATIVE BILL 165. Indefinitely postponed.
LEGISLATIVE BILL 173. Indefinitely postponed.
LEGISLATIVE BILL 196. Indefinitely postponed.
LEGISLATIVE BILL 197. Indefinitely postponed.

(Signed) Doug Kristensen, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 328. Introduced by Schimek, 27; Abboud, 12; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Beutler, 28; Bohlke, 33; Byars, 30; Chambers, 11; Coordsen, 32; Cudaback, 36; Day, 19; Dierks, 40; Elmer, 38; Engel, 17; Fisher, 35; Hartnett, 45; Hillman, 48; Hudkins, 21; Janssen, 15; Jones, 43; Landis, 46; Lindsay, 9; Lynch, 13; Matzke, 47; McKenzie, 34; Monen, 4; Moore, 24; Pedersen, 39; Pirsch, 10; Preister, 5; Rasmussen, 20; Robinson, 16; Schellpeper, 18; Schmitt, 41; Vrtiska, 1; Warner, 25; Wehrbein, 2; Wesely, 26; Wickersham, 49; Will, 8; Witek, 31; Withem, 14.

WHEREAS, Robert M. Spire served as the Attorney General of the State of Nebraska from 1985 to 1991; and

WHEREAS, Robert M. Spire was born in Omaha and was a graduate of Harvard College and the Harvard Law School and attended the Julliard School of Music; and

WHEREAS, Robert M. Spire was a man of diverse talents and unlimited compassion; and

WHEREAS, during his tenure as President of the Nebraska State Bar Association (1982-83), Robert M. Spire established a program to provide legal services to needy Nebraskans; and

WHEREAS, Robert M. Spire leaves to the citizens of the State of Nebraska a legacy of decency, integrity, and commitment to civil rights, affirmative action, and civil liberties; and

WHEREAS, Robert M. Spire as Attorney General helped steer the State of Nebraska through several crises and was instrumental in the restoration of public confidence in the Office of Attorney General; and

WHEREAS, Robert M. Spire was a model citizens and exemplary statesman whose motto was to "Get up early and work hard, to listen to the people and accept criticism, to correct my mistakes, and try to do what is right"; and

WHEREAS, Robert M. Spire was living testimony to government at its finest and shall remain forever etched in our memories as a true public servant whose first and last concern was for others; and

WHEREAS, Robert Spire's career of public service and his selfless dedication to his community and to the State of Nebraska will be long remembered and sadly missed by all Nebraskans; and

WHEREAS, Robert M. Spire died on March 3, 1994, and is survived by his wife Elaine, daughter and son-in-law, Ruth and James Small and their children, Amy, Laura, and Jessie, daughter Louise Coe Spire, and daughter and son-in-law Jessie and Leif Carlson and their daughter, Ella.

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

1. That the Legislature extends its sympathy to the family and friends of Robert M. Spire.

2. That a copy of this resolution be sent to Elaine Spire.

Laid over.

LEGISLATIVE RESOLUTION 329. Introduced by Dierks, 40.

WHEREAS, the Chambers Lady Coyotes won the Class D-1 Girls' State basketball championship with tournament victories over Allen, Axtell, and Humphrey-St. Francis; and

WHEREAS, the Chambers Lady Coyotes finished the 1993-94 season with a perfect 25-0 record; and

WHEREAS, Coach John Miller and the entire Lady Coyote basketball team have displayed excellence and hard work with their outstanding performance this season.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Chambers Lady Coyote basketball team be congratulated for all of its accomplishments.
2. That a copy of this resolution be sent to Chambers High School.

Laid over.

VISITORS

Visitors to the Chamber were 80 sixth grade students and sponsor from West Lincoln Elementary School, Lincoln; six students and sponsors from Saitama Women's Junior College, Saitama, Japan; 43 students and sponsor from Gakun University, Tokoha, Japan; and Betty Novotny.

RECESS

At 12:07 p.m., on a motion by Mr. Elmer, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mr. Hall and Mrs. Robak who were excused; and Messrs. Abboud, Ashford, Haberman, Hartnett, Moore, Pedersen, Mmes. Hillman, Rasmussen, and Witek who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 988.

Enrollment and Review Change to LB 988

The following changes, required to be reported for publication in the Journal, have been made:
ER7426

1. The language added by the Chambers amendment, FA398, has been numbered as section 5 and the remaining sections and the internal references renumbered accordingly.

2. In lieu of the Kristensen amendment, FA397, in the E & R amendments, AM5659, on page 4, line 7, "For purposes of this subsection, encased shall mean enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied, or otherwise fastened with no part of the firearm exposed." has been inserted after the period.

3. In the Beutler amendment, AM4020, on page 1, line 12, an underscored comma has been inserted after "significance".

4. In the E & R amendments, AM5659, on page 5, line 19, "unlawful" has been inserted after the first "of".

5. On page 1, line 1, "justice" has been struck; in line 6 "28-1501," has been inserted after "sections"; in line 7 "83-4,140, 83-4,141," has been struck; in line 9 "prohibit transfer and possession and" has been inserted after "to"; and in line 10 "and weapons" has been struck.

6. On page 2, line 1, "and transfer of certain juveniles" has been inserted after "participation"; in line 5 "change" has been struck and "eliminate" inserted; in line 12 "and" has been struck; in line 15 "83-925 to 83-928" has been struck and "83-4,140, 83-4,141, 83-925 to 83-928," inserted; and in line 16 "; and to declare an emergency" has been inserted after "1993".

(Signed) Janis M. McKenzie, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 683 in the Journal. No objections. So ordered.

AM3599

(Amendments to E & R amendments, AM5677)

1. On page 29, line 17, strike beginning with "assure" through "programs", show the old matter as stricken, and insert "assure that the governing boards promote the quality and effectiveness of programs resulting in the viability of such programs".

RESOLUTION

LEGISLATIVE RESOLUTION 330. Introduced by Schellpeper, 18.

WHEREAS, the Newcastle High School girls' basketball team is the champion of the 1994 Class D-2 Girls' State Basketball Tournament; and

WHEREAS, Head Coach Mike Goracke and Assistant Coach Robin Mohr guided the Newcastle Raiders to a 24-3 record; and

WHEREAS, the 54-41 win in the championship game capped the Raiders' first girls' state championship.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Newcastle High School Raiders be congratulated for winning the 1994 Class D-2 Girls' State Basketball Tournament.

2. That a copy of this resolution be sent to the members of the Newcastle High School girls' basketball team and their coaches.

Laid over.

SELECT FILE

LEGISLATIVE RESOLUTION 29CA. The Pirsch pending motion, found in this day's Journal, to suspend the rules, Rule 6, Section 5 and Rule 7, Sections 3 and 7, and vote on the advancement of LR 29CA without further amendment or debate, was renewed.

Mrs. Pirsch moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mrs. Pirsch requested a roll call vote, in reverse order, on her motion to suspend the rules.

Voting in the affirmative, 16:

Bromm	Dierks	Hudkins	Pirsch	Wehrbein
Byars	Elmer	Jones	Schellpeper	Will
Coordsen	Fisher	Matzke	Vrtiska	Withem
Crosby				

Voting in the negative, 18:

Bernard-Stevens	Chambers	Janssen	Lynch	Warner
	Cudaback	Kristensen	McKenzie	Wesely
Beutler	Day	Landis	Schimek	Wickersham
Bohlke	Engel	Lindsay	Schmitt	

Present and not voting, 4:

Avery	Monen	Preister	Robinson

Excused and not voting, 11:

Abboud	Hall	Hillman	Pedersen	Robak
Ashford	Hartnett	Moore	Rasmussen	Witek
Haberman				

The Pirsch motion to suspend the rules lost with 16 ayes, 18 nays, 4 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Messrs. Landis and Bernard-Stevens asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA417
Amend AM2689
Add new subsection
"(4) In the absence of legislation enacted by the Legislature to authorize such, nothing in this section shall constitute a basis for any person to bring an action for damages against the State of Nebraska or any political subdivision.

Mr. Lindsay offered the following amendment to the Chambers pending amendment:
FA418
Amend FA417 by adding, after "political subdivision", "or any employee of the state or any political subdivision."

Mr. Robinson and Mrs. Hudkins asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lindsay moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Lindsay amendment was adopted with 25 ayes, 2 nays, 14 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

MRS. CROSBY PRESIDING

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Chambers requested a roll call vote on his amendment, as amended.

Voting in the affirmative, 22:

Abboud	Bohlke	Kristensen	Preister	Wesely
Avery	Chambers	Lindsay	Rasmussen	Wickersham
Bernard-Stevens	Day	Lynch	Schimek	Will
Beutler	Hartnett	McKenzie	Warner	Withem
	Hillman	Monen		

Voting in the negative, 20:

Bromm	Cudaback	Fisher	Matzke	Schmitt
Byars	Dierks	Janssen	Moore	Vrtiska
Coordsen	Elmer	Jones	Pirsch	Wehrbein
Crosby	Engel	Landis	Schellpeper	Witek

Present and not voting, 1:

Pedersen

Excused and not voting, 6:

Ashford	Hall	Hudkins	Robak	Robinson
Haberman				

The Chambers amendment, as amended, lost with 22 ayes, 20 nays, 1 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS

Transportation

LEGISLATIVE BILL 221. Indefinitely postponed.
LEGISLATIVE BILL 309. Indefinitely postponed.
LEGISLATIVE BILL 394. Indefinitely postponed.
LEGISLATIVE BILL 474. Indefinitely postponed.
LEGISLATIVE BILL 558. Indefinitely postponed.

(Signed) Doug Kristensen, Chairperson

Appropriations

LEGISLATIVE BILL 991. Placed on General File as amended.

(Standing Committee amendment, AM3400, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 1045. Placed on General File as amended.
Standing Committee amendment to LB 1045:
AM3472

1. Strike the original sections and insert the following new sections:

"Section 1. That section 84-612, Revised Statutes Supplement, 1993, be amended to read as follows:

84-612. (1) There is hereby created within the state treasury a fund known as the Cash Reserve Fund which shall be under the direction of the State Treasurer. The fund shall only be used pursuant to this section.

(2) The State Treasurer shall transfer funds from the Cash Reserve Fund to the General Fund upon certification by the Director of Administrative Services that the current cash balance in the General Fund is inadequate to meet current obligations. Such certification shall include the dollar amount to be transferred.

(3) Any transfers made pursuant to subsection (2) of this section shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available.

~~(4) On or before July 15, 1991, the State Treasurer shall transfer three million dollars from the Cash Reserve Fund to the General Fund. Such transfer shall be reversed at such time as the Nebraska Railway Council has repaid the principal amount to the General Fund, which repayment shall take place no later than July 15, 2006.~~

~~(5)~~ On June 15, 1992, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the General Fund. Such transfer shall be reversed on June 15, 1994.

~~(6)~~ (5) On June 15, 1993, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the General Fund. Such transfer shall be reversed on June 15, 1995.

~~(7)~~ (6) On June 30, 1993, the State Treasurer shall transfer four million five hundred thousand dollars from the Cash Reserve Fund to the General Fund. Such transfer shall be reversed in the amount of two million two hundred fifty thousand dollars on June 15, 1994, and in the amount of two million two hundred fifty thousand dollars on June 15, 1995.

~~(8)~~ (7) On or before August 1, 1994, the State Treasurer shall transfer six million dollars from the Cash Reserve Fund to the Job Training Cash Fund.

(8) The State Treasurer shall transfer funds from

the Cash Reserve Fund to the General Fund upon certification by the Director of Administrative Services pursuant to section 77-4602.

Sec. 2. That original section 84-612, Revised Statutes Supplement, 1993, is repealed.".

LEGISLATIVE BILL 314. Placed on General File as amended.
Standing Committee amendment to LB 314:
AM3498

1. Strike original section 1 and insert the following new section:

"Section 1. That section 33-150, Revised Statutes Supplement, 1993, be amended to read as follows:

33-150. The State Treasurer shall credit to the General Fund ~~fifteen percent~~ a percentage of all fees remitted to the state treasury by the state boards of examiners in medicine and surgery, chiropractic, respiratory care, dentistry, including fees from dental hygienists, dietetics and nutrition, athletic training, massage therapy, optometry, pharmacy, funeral directing and embalming, including fees received from funeral establishments and branch establishments, as defined in section 71-1301, as well as funeral directors and embalmers, podiatry, veterinary medicine, and mental health practice, the Board of Occupational Therapy Practice, the Board of Cosmetology Examiners, the Board of Barber Examiners, the Board of Nursing, the State Real Estate Commission, the Board of Examiners for Professional Engineers and Architects, the State Athletic Commissioner, the Nebraska Oil and Gas Conservation Commission pursuant to sections 57-906 and 57-911, and any other state board, bureau, division, fund, or commission not mentioned ~~above~~ in this section, if and when ~~fifteen percent~~ the percentage of all such fees remitted is appropriated or reappropriated to the General Fund by the Legislature for the uses and purposes of the General Fund during any biennium. The amount credited in any fiscal year for any such board, bureau, division, fund, or commission shall not exceed the amount credited in fiscal year 1992-93 for the board, bureau, division, fund, or commission. Until July 1, 1995, the percentage shall be fifteen percent, from July 1, 1995, through June 30, 1996, the percentage shall be ten percent, and from July 1, 1996, through June 30, 1997, the percentage shall be five percent. After June 30, 1997, the State Treasurer shall not credit any amount from such fees.

Nothing in this section shall be construed to apply to the fees inuring to the Nebraska Brand Inspection and Theft Prevention Fund and the Licensee Assistance Cash Fund and funds of the State Racing Commission.".

2. On page 3, line 22, strike "1992" and insert

17 "1993".

LEGISLATIVE BILL 1006. Placed on General File.
LEGISLATIVE BILL 1211. Placed on General File.

LEGISLATIVE BILL 1194. Placed on General File as amended. (Standing Committee amendment, AM3459, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Scott Moore, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1006A. Introduced by Moore, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1006, Ninety-third Legislature, Second Session, 1994; and to declare an emergency.

LEGISLATIVE BILL 1211A. Introduced by Moore, 24.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1993, LB 541, section 181; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1211, Ninety-third Legislature, Second Session, 1994; to reduce appropriations; to state intent; to repeal the original section; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 331. Introduced by Dierks, 40; Elmer, 38; Hudkins, 21; Haberman, 44; Coordsen, 32; Vrtiska, 1; Cudaback, 36; Schellpeper, 18; Jones, 43.

WHEREAS, the week of March 14 through March 20 has been designated as National Agriculture Week; and

WHEREAS, agriculture is the backbone of the Nebraska economy, generating jobs in the production, processing, packaging, shipping, and marketing of food for Americans and for people around the world; and

WHEREAS, Nebraska agriculture continues to thrive despite hardships such as harsh weather, intense global competition, and rapidly changing consumer demands.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes National Agriculture Week.

2. That the Legislature salutes all residents of Nebraska whose determination and hard work make agriculture a viable industry.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 76 in the Journal. No objections. So ordered.

AM3601

1. Strike original sections 227 and 232 and all amendments thereto and insert the following new sections:

"Sec. 225. (1) If the names of candidates properly filed for nomination at the primary election for directors of natural resources districts, directors of public power districts, members of community college area boards of governors, members of the boards of school districts, and officers of cities of the first or second class do not exceed two candidates for each position to be filled, any such candidates shall be declared nominated and their names shall not appear on any primary election ballots. The official abstract of votes kept by the county or state shall show the names of such candidates with the statement Nominated Without Opposition. The election commissioner or county clerk shall place the names of such automatically nominated candidates on the general election ballot as provided in section 228 of this act.

(2) In public power districts receiving annual gross revenue of less than forty million dollars, the candidates for the board of directors shall not appear on the ballot in the primary election.

(3) If the number of candidates for delegates to a county or national political party convention are the same in number or less than the number of candidates to be elected, the names shall not appear on the primary election ballot and those so filed shall receive a certificate of election.

Sec. 230. (1) A blank space shall be provided at the end of each office division on the ballot for registered voters to write in the name of any person for whom they wish to vote and whose name is not printed upon the ballot, except that (a) at the primary election there shall be no write-in space for delegates to the county political party convention, delegates to the national political party convention, directors of natural resources districts, or directors of public power districts and (b) at the general election there shall be no write-in space for President and Vice President of the United States. A square or oval shall be printed to the left of each write-in space similar to the square or oval

placed before other candidates and issues on the ballot. The square or oval shall be marked to vote for a write-in candidate whose name appears in the write-in space provided.

(2) The Secretary of State shall approve write-in space for voting machines and punch card and optical-scan ballots. Adequate provision shall be made for write-in votes sufficient to allow one write-in space for each office to be elected at any election except offices for which write-in votes are specifically prohibited. The write-in ballot shall clearly identify the office for which such write-in vote is cast. The write-in space shall be a part of the official ballot, may be on the envelope or a separate piece of paper from the printed portion of the ballot, and shall allow the voter adequate space to write in the name of the candidate for whom he or she desires to cast his or her ballot.".

Mr. Withem asked unanimous consent to print the following amendment to LB 76 in the Journal. No objections. So ordered.

AM3602

1. On page 144, line 11, after the second "for" insert "members of the Legislature,".

Mr. Jones asked unanimous consent to print the following amendment to LB 1058 in the Journal. No objections. So ordered.

AM3522

1. Insert the following new sections:

"Section 1. For purposes of the Nebraska Pasteurized Milk Law, sheep milk shall mean the normal lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy sheep. Sheep milk shall be included in the term milk as defined in the ordinance adopted by reference in section 2-3901.

Sec. 2. That section 2-3912, Revised Statutes Supplement, 1992, be amended to read as follows:

2-3912. Sections 2-3901 to 2-3912 and section 1 of this act, the procedures prescribed by the United States Department of Health and Human Services in its document entitled Fabrication of Single-Service Containers and Closures for Milk and Milk Products as it exists on January 1, 1992, and the provisions of Part II of the Grade A Pasteurized Milk Ordinance--1978 Recommendations of the United States Public Health Service/Food and Drug Administration, as it exists on January 1, 1992, including all provisions relating to cottage cheese contained therein and Supplement I to such ordinance entitled Grade A Condensed and Dry Milk Products and Condensed and Dry Whey, but excluding those provisions of Part II of such ordinance replaced under subsection (2) of section

2-3901, expressly adopted by reference under subsection (1) of section 2-3901 shall be known and may be cited as the Nebraska Pasteurized Milk Law.".

2. On page 3, line 16, strike "is" and insert "and section 2-3912, Revised Statutes Supplement, 1992, are".

3. Renumber the remaining sections accordingly.

Mr. Jones asked unanimous consent to print the following amendment to LB 933 in the Journal. No objections. So ordered.

AM3523

1. Insert the following new sections:

"Section 1. For purposes of the Nebraska Pasteurized Milk Law, sheep milk shall mean the normal lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy sheep. Sheep milk shall be included in the term milk as defined in the ordinance adopted by reference in section 2-3901.

Sec. 2. That section 2-3912, Revised Statutes Supplement, 1992, be amended to read as follows:

2-3912. Sections 2-3901 to 2-3912 and section 1 of this act, the procedures prescribed by the United States Department of Health and Human Services in its document entitled Fabrication of Single-Service Containers and Closures for Milk and Milk Products as it exists on January 1, 1992, and the provisions of Part II of the Grade A Pasteurized Milk Ordinance--1978 Recommendations of the United States Public Health Service/Food and Drug Administration, as it exists on January 1, 1992, including all provisions relating to cottage cheese contained therein and Supplement I to such ordinance entitled Grade A Condensed and Dry Milk Products and Condensed and Dry Whey, but excluding those provisions of Part II of such ordinance replaced under subsection (2) of section 2-3901, expressly adopted by reference under subsection (1) of section 2-3901 shall be known and may be cited as the Nebraska Pasteurized Milk Law.".

2. On page 5, line 13, after "original" insert "section 2-3912, Revised Statutes Supplement, 1992, and".

3. Renumber the remaining sections accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LB 1292 in the Journal. No objections. So ordered.

AM3475

1. Insert the following new sections:

"Sec. 3. That section 53-123.14, Revised Statutes Supplement, 1992, be amended to read as follows:

53-123.14. Any person who operates a brewpub shall obtain a license pursuant to the Nebraska Liquor Control Act.

A license to operate a brewpub shall permit the holder to produce on the brewpub premises a maximum of five thousand barrels of beer per year for sale on draught for consumption on the premises. The holder of a brewpub license may also sell not more than ~~ten~~ fifty percent of his or her annual production for consumption off the premises. The license holder shall serve food on the premises and shall otherwise be a restaurant. A brewpub license issued pursuant to this section shall be the only license required for the manufacture and retail sale of beer for consumption on or off the licensed premises, except that the sale of any beer other than beer manufactured by the brewpub licensee, wine, or alcoholic liquor by the drink for consumption on the brewpub premises shall require the appropriate retail license. Any license held by the operator of a brewpub shall be subject to the act. A holder of a brewpub license may obtain an annual catering license pursuant to section 53-124.12 or a special designated license pursuant to section 53-124.11.

Sec. 4. That section 53-124.11, Revised Statutes Supplement, 1992, be amended to read as follows:

53-124.11. (1) The commission may issue a special designated license for sale or consumption of alcoholic liquor at a designated location to a retail licensee, a brewpub licensee, a municipal corporation, a fine arts museum incorporated as a nonprofit corporation, a religious nonprofit corporation which has been exempted from the payment of federal income taxes, a political organization which has been exempted from the payment of federal income taxes, or any other nonprofit corporation the purpose of which is fraternal, charitable, or public service and which has been exempted from the payment of federal income taxes, under conditions specified in this section. The applicant shall demonstrate meeting the requirements of this subsection.

(2) No retail licensee, brewpub licensee, organization, or corporation enumerated in subsection (1) of this section may be issued a special designated license under this section for more than six calendar days in any one calendar year. Only one special designated license shall be required for any application for two or more consecutive days. This subsection shall not apply to any holder of a catering license.

(3) Except for any special designated license issued to a holder of a catering license, there shall be a fee of twenty-five dollars for each day identified in the special designated license. Such fee shall be submitted with the application for the special designated license, collected by the commission, and remitted to the State Treasurer for credit to the General Fund. The applicant shall be exempt from the provisions of the Nebraska Liquor Control Act requiring a

registration fee and the provisions of the act requiring the expiration of forty-five days from the time the application is received by the commission prior to the issuance of a license, if granted by the commission. The retail licensees, brewpub licensees, municipal corporations, organizations, and nonprofit corporations enumerated in subsection (1) of this section seeking a special designated license shall file an application on such forms as the commission may prescribe. Such forms shall contain, along with other information as required by the commission, (a) the name of the applicant, (b) the premises for which a special designated license is requested, identified by street and number if practicable and, if not, by some other appropriate description which definitely locates the premises, (c) the name of the owner or lessee of the premises for which the special designated license is requested, (d) sufficient evidence that the holder of the special designated license, if issued, will carry on the activities and business authorized by the license for himself, herself, or itself and not as the agent of any other person, group, organization, or corporation, for profit or not for profit, (e) a statement of the type of activity to be carried on during the time period for which a special designated license is requested, and (f) sufficient evidence that the activity will be supervised by persons or managers who are agents of and directly responsible to the holder of the special designated license.

(4) No special designated license provided for by this section shall be issued by the commission without the approval of the local governing body. The local governing body may establish criteria for approving or denying a special designated license. The local governing body may designate an agent to determine whether a special designated license is to be approved or denied. Such agent shall follow criteria established by the local governing body in making his or her determination. The determination of the agent shall be considered the determination of the local governing body unless otherwise provided by the local governing body. For purposes of this section, the local governing body shall be the city or village within which the premises for which the special designated license is requested are located or, if such premises are not within the corporate limits of a city or village, then the local governing body shall be the county within which the premises for which the special designated license is requested are located.

(5) If the applicant meets the requirements of this section, a special designated license shall be granted and issued by the commission for use by the holder of the special designated license. All statutory provisions and rules and regulations of the commission that apply to a retail licensee

shall apply to the holder of a special designated license with the exception of such statutory provisions and rules and regulations of the commission so designated by the commission and stated upon the issued special designated license, except that the commission may not designate exemption of sections 53-180 to 53-180.07. The decision of the commission shall be final. If the applicant does not qualify for a special designated license, the application shall be denied by the commission.

(6) A special designated license issued by the commission shall be mailed or delivered to the city, village, or county clerk who shall deliver such license to the licensee upon receipt of any fee or tax imposed by such city, village, or county.

Sec. 5. That section 53-124.12, Revised Statutes Supplement, 1992, be amended to read as follows:

53-124.12. (1) The holder of a Class C, Class D, or Class I license issued under subdivision (5) of section 53-124 or a brewpub license may obtain an annual catering license as prescribed in this section. The catering license shall be issued for the same period and may be renewed in the same manner as the Class C, Class D, or Class I license or brewpub license.

(2) Any person desiring to obtain a catering license shall file with the commission:

(a) An application in triplicate original upon such forms as the commission prescribes; and

(b) A license fee of seventy-five dollars payable to the commission, which fee shall be returned to the applicant if the application is denied.

(3) When an application for a catering license is filed, the commission shall notify, by registered or certified mail, return receipt requested with postage prepaid, the clerk of the city or incorporated village in which such applicant is located or, if the applicant is not located within a city or incorporated village, the county clerk of the county in which such applicant is located of the receipt of the application. The commission shall enclose with such notice one copy of the application. The local governing body and the commission shall process the application in the same manner as provided in section 53-132.

(4) The local governing body with respect to catering licensees within its corporate limits may cancel a catering license for cause for the remainder of the period for which such license is issued. Any person whose catering license is canceled may appeal to the district court of the county in which the local governing body is located.

(5) For purposes of this section, local governing body shall mean the governing body of the city or village in

which the catering licensee is located or, if such licensee is not located within a city or village, the governing body of the county in which such licensee is located.

(6) The city, village, or county in which the catering licensee is located may impose an occupation tax on the business of any person, firm, or corporation receiving a catering license pursuant to this section and doing business within such city, village, or county. Such tax may not exceed double the license fee to be paid under this section.".

2. In the Standing Committee amendment, AM3332 on page 1, line 18, after the comma insert "sections 53-123.14, 53-124.11, and 53-124.12, Revised Statutes Supplement, 1992,".

3. Renumber the remaining section accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LB 915 in the Journal. No objections. So ordered.

AM3446

1. Insert the following new sections:

"Section 1. That section 70-624, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-624. (1) In no event shall the compensation, as a salary or otherwise, of any general manager or president, assistant general manager or vice president, or other officer be approved except by the vote of approval of two-thirds or more of the members of the board of directors. The record of such vote of approval, together with the names of the directors so voting, shall be made a part of the permanent records of the board.

(2) The current salaries of any general manager or president or assistant general manager or vice president and all officers of the district shall be published once each year in three legal newspapers of general circulation in the district in which such general manager or president, assistant general manager or vice president, or officers are employed. The chief executive officer as described in section 70-620.01 shall be responsible for publishing the current salaries as required by this subsection. Any chief executive officer who violates this subsection shall be guilty of a Class V misdemeanor.

Sec. 3. Sections 1 and 4 of this act shall become operative on January 1, 1995. The other sections of this act shall become operative on their effective date.

Sec. 4. That original section 70-624, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. Renumber the remaining sections accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 910 in the Journal. No objections. So ordered.

AM3605

(Amendments to AM3485)

1. On page 2, line 11, after "for" insert "the preceding year for".

2. On page 2, lines 18 and 19; page 4, line 22; and page 7, line 18, strike "thousand dollars" and insert "fifty percent of the average assessed value of residential real property in the claimant's county of residence as determined in section 5 of this act".

3. On page 2, line 23; page 5, line 11; and page 8, line 7, after "residence" insert "as determined in section 5 of this act".

Mr. Warner asked unanimous consent to print the following amendment to LB 910 in the Journal. No objections. So ordered.

AM3604

(Amendments to Standing Committee amendments, AM3030)

1. Insert the following new section:

"Sec. 8. The dollar amount of value eligible for homestead exemption shall be determined for each county by the Tax Commissioner by January 1. The amount shall be fifty thousand dollars multiplied by the aggregate sales assessment ratio calculated by the Department of Revenue for all residential real property in the county for the prior year after adjustments by the State Board of Equalization and Assessment.".

2. Insert the following new amendment:

"2. On page 2, line 4; page 9, line 20; page 10, line 16; page 12, lines 15 and 16 and 27 and 28; and page 13, line 20, strike '3 and 4' and insert '3, 4, and 8'.".

3. On page 1, lines 7 and 8; page 3, lines 7 and 8; and page 5, lines 26 and 27, strike "first" through "dollars", show the old matter as stricken, and insert "dollar amount for the county of residence of the claimant determined pursuant to section 8 of this act".

4. Renumber the remaining sections accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 910 in the Journal. No objections. So ordered.

AM3606

(Amendments to Standing Committee amendments, AM3030)

1. Insert the following new section:

"Sec. 14. That section 77-3523, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3523. The county treasurer shall, on or before November 30 of each year, certify to the Tax Commissioner: (1)

For tax ~~year 1986, ninety percent of the~~ years 1987 through 1994, the total tax revenue that will be lost to all taxing agencies within his or her county from taxes levied and assessed in that year because of exemptions allowed under Chapter 77, article 35; and (2) for tax year ~~1987~~ 1995 and each tax year thereafter, the total tax revenue that will be lost to all taxing agencies within his or her county from taxes levied and assessed in that year because of exemptions allowed under Chapter 77, article 35, multiplied by the aggregate sales assessment ratio calculated by the Department of Revenue for all residential real property in the county for the prior year after adjustments by the State Board of Equalization and Assessment. The county treasurer may amend the certification to show any change or correction in the total tax that will be lost until May 30 of the next succeeding year. The Tax Commissioner shall, on or before January 1 next following such certification or within thirty days of any amendment to the certification, notify the Director of Administrative Services of the amount so certified to be reimbursed by the state. Reimbursement of the funds lost shall be made to each county according to the certification and shall be distributed in six as nearly as possible equal monthly payments on the last business day of each month beginning in January. The State Treasurer shall, on the business day preceding the last business day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, on the last business day of each month, draw warrants against funds appropriated. Out of the amount so received the county treasurer shall distribute to each of the taxing agencies within his or her county: (a) For tax ~~year 1986, ninety percent of the~~ years 1987 through 1994, the full amount so lost by such agency; and (b) for tax year ~~1987~~ 1995 and each tax year thereafter, the full amount so lost by such agency, multiplied by the aggregate sales assessment ratio calculated by the Department of Revenue for all residential real property in the county for the prior year after adjustments by the State Board of Equalization and Assessment, except that one percent of such amount shall be deposited in the county general fund and that the amount due a Class V school district shall be paid to the district and the county shall be compensated pursuant to section 14-554. Each taxing agency shall, in preparing its annual budget, take into account the amount to be received under this section.".

2. Insert the following new amendment:

"2. On page 14, line 2, before 'and' insert '77-3523,'.".

3. Renumber the remaining sections accordingly.

Mr. Will asked unanimous consent to print the following amendment to LB 630 in the Journal. No objections. So ordered.

AM3577

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 6. That section 31-766, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-766. If only a part of the territory within any sanitary and improvement district, any road improvement district, or any fire protection district is annexed by a city or village, the road improvement district or fire protection district acting through its trustees or the sanitary and improvement district acting through its trustees or administrator and the city or village acting through its governing body may agree between themselves as to the ~~equitable~~ division of the assets, liabilities, maintenance, or other obligations of the district for a change in the boundaries of the district so as to exclude the portion annexed by the city or village or may agree upon a merger of the district with the city or village. The division of assets, liabilities, maintenance, or other obligations of the district shall be equitable, shall be proportionate to the valuation of the portion of the district annexed and to the valuation of the portion of the district remaining following annexation, and shall, to the greatest extent feasible, reflect the actual impact of the annexation on the ability of the district to perform its duties and responsibilities within its new boundaries following annexation. In event a merger is agreed upon, the city or village shall have all the rights, privileges, duties, and obligations as provided in sections 31-763 to 31-766 when the city annexes the entire territory within the district, and the trustees or administrator shall be relieved of all further duties and liabilities and their bonds exonerated as provided in section 31-764. No agreement between the district and the city or village shall be effective until submitted to and approved by the district court of the county in which the major portion of the district is located. No agreement shall be approved which may prejudice the rights of any bondholder or creditor of the district or employee under contract to the district. The court may authorize or direct amendments to the agreement before approving the same. If the district and city or village do not agree upon the proper adjustment of all matters growing out of the annexation of a part of the territory located within the district, ~~either~~ the district, ~~or~~ the annexing city or village, any bondholder or creditor of the district, or any employee under contract to the district may

apply to the district court of the county where the major portion of the district is located for an adjustment of all matters growing out of or in any way connected with the annexation of such territory, and after a hearing thereon the court may enter an order or decree fixing the rights, duties, and obligations of the parties. In ~~; PROVIDED, that in~~ every case such decree or order shall require a change of the district boundaries so as to exclude from the district that portion of the territory of the district which has been annexed. Such change of boundaries shall become effective on the date of entry of such decree. Only the district and the city or village shall be necessary parties to such an action. Any bondholder or creditor of the district or any employee under contract to the district whose interests may be adversely affected by the annexation may intervene in the action pursuant to section 25-328. The decree when entered shall be binding on ~~both~~ the parties the same as though the parties had voluntarily agreed thereto. Nothing contained in this section shall authorize any district to levy any special assessments within the annexed area after the effective date of annexation.".

2. On page 1, line 1, strike "municipalities" and insert "political subdivisions"; in line 2 strike "and" and after the second comma insert "and 31-766,"; and in line 6 after the semicolon insert "to change provisions relating to annexation of sanitary and improvement districts as provided;".

3. On page 6, lines 5 and 6, strike the new matter and reinstate the stricken matter; and in line 20 strike "An" and insert "When next amended after January 1, 1995, an".

4. On page 9, line 25, strike "and" and after the last comma insert "and 31-766,".

5. Renumber the remaining section accordingly.

SELECT FILE

LEGISLATIVE RESOLUTION 29CA. Mr. Lindsay offered the following amendment:
FA419

Amend AM2689 as follows:

1. Insert, before "The" in line 18, page 1, "This section shall not be self-executing."

2. On page 1, line 18, strike "shall" after "Legislature" and insert "may"

Mr. Lindsay withdrew his amendment.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bromm offered the following amendment:
FA420

Amend Line 20, Page 1 of AM2689 to add the following words after Section.

"There shall be no remedies other than as specifically provided by the Legislature for the enforcement of the rights granted by this Section.

The Bromm amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Pirsch moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mrs. Pirsch requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 35:

Abboud	Coordsen	Fisher	Monen	Schmitt
Avery	Crosby	Hillman	Pedersen	Vrtiska
Bernard-Stevens	Cudaback	Janssen	Pirsch	Warner
Beutler	Day	Jones	Preister	Wehrbein
Bohlke	Dierks	Landis	Rasmussen	Wesely
Bromm	Elmer	Matzke	Robinson	Will
Byars	Engel	McKenzie	Schellpeper	Witek

Voting in the negative, 1:

Chambers

Present and not voting, 6:

Hartnett	Lindsay	Schimek	Wickersham	Withem
Kristensen				

Excused and not voting, 7:

Ashford	Hall	Lynch	Moore	Robak
Haberman	Hudkins			

Advanced to E & R for engrossment with 35 ayes, 1 nay, 6 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 665. E & R amendment, AM5675, found in the Journal on page 839, was adopted.

Mr. Lynch renewed his pending amendment, AM4030, found in the Journal on page 909.

The Lynch amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler offered the following amendment:
AM3582

(Amendments to AM2690)

1. Insert the following new sections:

"Sec. 7. Sections 25-824 to 25-824.03 shall not apply to actions involving public petition and participation which are subject to sections 1 to 6 of this act.

Sec. 8. That section 25-824, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-824. (1) A pleading shall not be used against a party in any criminal prosecution or action or proceeding for a penalty or forfeiture as proof of a fact admitted or alleged in such pleading. If a pleading ~~is frivolous~~ lacks a substantial basis in fact and law or is made in bad faith, it may be stricken. The signature of a party or of an attorney on a pleading constitutes a certificate by him or her that he or she has read the pleading; that to the best of his or her knowledge, information, and belief there is good ground for the filing of the pleading; and that it is not interposed for delay.

(2) Except as provided in subsections (5) and (6) of this section, in any civil action commenced or appealed in any court of record in this state, the court shall award as part of its judgment and in addition to any other costs otherwise assessed reasonable attorney's fees and court costs against any attorney or party who has brought or defended a civil action that alleges a claim or defense which a court determines ~~is frivolous~~ lacks a substantial basis in fact and law or is made in bad faith.

(3) When a court determines reasonable attorney's fees or costs should be assessed, it shall allocate the payment of such fees or costs among the offending attorneys and parties as it determines most just and may charge such amount or portion thereof to any offending attorney or party.

(4) The court shall assess attorney's fees and costs

if, upon the motion of any party or the court itself, the court finds that an attorney or party brought or defended an action or any part of an action that ~~was frivolous~~ lacked a substantial basis in fact and law or that the action or any part of the action was interposed solely for delay or harassment. If the court finds that an attorney or party unnecessarily expanded the proceedings by other improper conduct, including, but not limited to, abuses of civil discovery procedures, the court shall assess attorney's fees and costs.

(5) No attorney's fees or costs shall be assessed if claim or defense was asserted by an attorney or party in a good faith attempt to establish a new theory of law in this state and there was a substantial argument for the extension, modification, or reversal of existing law or if, after filing suit, a voluntary dismissal is filed as to any claim or action within a reasonable time after the attorney or party filing the dismissal knew or reasonably should have known that he or she would not prevail on such claim or action.

(6) No party who is appearing without an attorney shall be assessed attorney's fees unless the court finds that the party clearly knew or reasonably should have known that his or her action or defense or any part of such action or defense ~~was frivolous~~ lacked a substantial basis in fact and law or was made in bad faith, except that this subsection shall not apply to any situation in which an attorney licensed to practice law in the state is appearing without an attorney, in which case he or she shall be held to the standards for attorneys prescribed in this section.

Sec. 9. That section 43-1412, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-1412. The method of trial shall be the same as that in other civil proceedings, except that the trial shall be by the court without a jury unless a jury is requested (1) by the alleged father, in a proceeding instituted by the mother as the guardian or next friend; or (2) by the mother, in a proceeding instituted by the alleged father. It being contrary to public policy that such proceedings should be open to the general public, no one but the parties, their counsel, and others having a legitimate interest in the controversy shall be admitted to the courtroom during the trial of the case. The alleged father and the mother shall be competent to testify. The uncorroborated testimony (a) of the mother, in a proceeding instituted by the mother or the guardian or next friend, or (b) of the alleged father, in a proceeding instituted by the alleged father, shall not alone be sufficient to support a verdict or finding that the alleged father is actually the father. Should it be determined in this proceeding that the alleged father is actually the father

of the child, a judgment shall be entered declaring such to be the case. In the event that such a judgment is entered, the court shall retain jurisdiction of the cause and enter such order of support, which order of support shall include the amount, if any, of any court costs and attorney's fees which the court in its discretion deems appropriate to be paid by the father, as may be proper under the procedure and in the manner specified in section 43-1406. ~~If it is not determined in the proceeding that the alleged father is actually the father of the child, the court shall, if it finds that the action was frivolous, award court costs and attorney's fees incurred by the alleged father, with such costs and fees to be paid by the plaintiff.~~

Sec. 10. That original sections 25-824 and 43-1412, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. On page 3, line 25, after the period insert "The court shall allocate the payment of damages, including costs and attorney's fees, among the offending parties as it determines most just and may charge the damages or portion of damages to any offending party.".

3. Insert underscoring in the original sections.

4. Renumber the remaining sections accordingly.

The Beutler amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 683. E & R amendment, AM5677, printed separately from the Journal and referred to on page 904, was adopted.

Mr. Warner renewed his pending amendment, AM3497, found in the Journal on page 994.

Mr. Warner withdrew his amendment, AM3516, found in the Journal on page 1009, to his pending amendment.

Mr. Warner offered the following amendment to his pending amendment:
AM3534

(Amendments to AM3497)

1. On page 3, line 15, strike the comma; and in line 18 after "inflation" insert an underscored comma.

2. On page 7, line 5, strike "plan for a" and show as stricken.

The Warner amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

The Warner amendment, AM3497, as amended, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Beutler and Ms. Day asked unanimous consent to be excused. No objections. So ordered.

Mr. Withem renewed his pending amendment, AM3599, found in this day's Journal.

The Withem amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Robinson asked unanimous consent to print the following amendment to LB 1002 in the Journal. No objections. So ordered.

AM3586

(Amendments to AM3224)

1. On page 1, line 15, strike "or" and insert a comma and before the period insert ", or (c) any group of property owners who cooperatively own a water well for the sole purpose of providing water to their property if each owner has an equal vote in determining the rates charged for the water".

Mrs. McKenzie and Mr. Will asked unanimous consent to print the following amendment to LB 511 in the Journal. No objections. So ordered.

AM3616

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 8. This act shall become operative on January 1, 1995.".

2. On page 1, line 8, after the last semicolon insert "to provide an operative date;".

3. On page 2, line 25; page 5, line 25; page 8, line 3; and page 10, line 15, strike "architectural and aesthetic".

4. On page 3, lines 12 through 16; page 6, lines 12 through 15; page 8, lines 18 through 22; and page 11, lines 2 through 6, strike "The" through "(c)".

5. On page 5, line 13; page 7, line 18; and page

10, line 3, before "The" insert "(a)".

6. Renumber the remaining section accordingly.

Mrs. McKenzie and Mr. Wehrbein asked unanimous consent to print the following amendment to LB 984 in the Journal. No objections. So ordered.

AM3603

(Amendments to Standing Committee amendments, AM3408)

1. Strike section 4.

2. On page 1, line 6, strike "5" and insert "4".

3. On page 2, strike beginning with "together" in line 1 through "2-4012" in line 3 and insert "by the Department of Revenue"; and strike beginning with "except" in line 4 through "act" in line 5.

4. On page 3, strike lines 3 and 4 and insert "the Department of Revenue by"; and strike beginning with "Corn" in line 11 through "Board" in line 13 and insert "department".

5. On page 4, line 26; page 8, line 17; page 12, line 18; page 13, line 4; and page 14, line 4, strike "to 4" and insert "and 3".

6. On page 5, line 6, after "a" insert "nonrefundable".

7. On page 7, line 1, strike "section 4" and insert "sections 2 and 3".

8. On page 8, line 16, strike "taxes" and insert "tax".

9. On page 12, line 18; page 13, line 4; and page 14, line 4, after the period insert "The credit may be carried over until fully utilized, except that the credit may not be carried over more than five years after the entitlement period.".

10. Renumber the remaining sections accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LB 1290 in the Journal. No objections. So ordered.

AM3597

(Amendments to AM3360)

1. On page 1, line 5, strike "Beginning" through the comma, show the old matter as stricken, and insert "On April 1, 1994, and"; and in line 6 after "year" insert "thereafter".

MOTION - Introduce New Bills

Mr. Abboud moved for the introduction of new bills by the Business and Labor Committee, Requests 2106 and 2107.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Lindsay asked unanimous consent to have his name added as cointroducer to LB 665. No objections. So ordered.

VISITORS

Visitors to the Chamber were Joyce and Molly Knoell from Hooper; John Bauer from Milwaukee, Wisconsin; 13 third and fourth grade students and sponsor from Parkview Christian School; and Jim Hudson from Gothenburg.

ADJOURNMENT

At 4:36 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Wednesday, March 9, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-SEVENTH DAY - MARCH 9, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 9, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Harold Brown, Westwood Community Church, Ralston, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Robak who was excused; and Messrs. Avery, Beutler, Bromm, Byars, Chambers, Haberman, Landis, Lindsay, Monen, Moore, Schellpeper, Warner, Ms. Day, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-sixth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1139. Placed on Select File as amended.
(E & R amendment, AM5685, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 1002. Placed on Select File as amended.
E & R amendment to LB 1002:
AM5679

1. In the Standing Committee amendment, AM3224:
a. On page 2, line 11, strike "to" and insert "of";
and

b. On page 3, line 13, strike the first comma and insert "or" and after "both" insert a comma.

LEGISLATIVE BILL 1207. Placed on Select File as amended. (E & R amendment, AM5680, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 446. Placed on Select File as amended.
E & R amendment to LB 446:
AM5684

1. In the Standing Committee amendment, AM2684:

a. On page 13, line 24, strike "agency" and insert "agency's";

b. On page 15, line 4, after "rule" insert "or regulation"; and in line 10 strike the comma;

c. On page 21, line 2, strike "act" and insert "Administrative Procedure Act"; and in line 13 strike the comma;

d. On page 22, line 2, after "conference" insert "or hearing"; and

e. On page 23, line 22, strike the first comma and insert "and".

2. On page 1, line 2, strike "84-909,"; in line 3 after "1943" insert ", and section 84-205, Revised Statutes Supplement, 1992; to provide a duty for the Attorney General; to define a term"; in line 5 strike "and" and insert a comma and after "agencies" insert ", and declaratory rulings"; and in line 7 strike "and for declaratory rulings".

LEGISLATIVE BILL 902. Placed on Select File as amended.
E & R amendment to LB 902:
AM5683

1. On page 1, line 2; and page 15, line 18, strike "77-1506.01" and insert "77-1506.02".

2. On page 4, line 3, after "board" insert an underscored comma.

3. On page 8, line 5, strike the comma.

4. On page 11, line 10, strike the comma and show as stricken.

LEGISLATIVE BILL 907. Placed on Select File as amended.
E & R amendment to LB 907:
AM5682

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 28-907, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-907. (1) A person commits the offense of false

reporting if he or she:

(a) Furnishes information he or she knows to be materially false to any peace officer, any governmental ~~or other~~ official, or any governmental department or agency with the intent to instigate an investigation ~~of an alleged criminal matter~~ or to impede ~~the~~ an ongoing investigation and which actually results in causing or impeding such investigation; ~~of an actual criminal matter; or~~

(b) Furnishes information he or she knows to be false alleging the existence of an emergency in which human life or property are in jeopardy to any hospital, ambulance company, or other person or governmental agency which deals with emergencies involving danger to life or property;

(c) Furnishes any information, or causes such information to be furnished or conveyed by electric, electronic, telephonic, or mechanical means, knowing the same to be false concerning the need for assistance of a fire department or any personnel or equipment of such department; or

(d) Furnishes any information he or she knows to be false concerning the location of any explosive in any building or other property to any person.

(2) Any person found guilty of the offense of false reporting may be ordered to pay restitution to the department or agency which conducted an investigation in reliance on such false information for all reasonable costs incurred in conducting the investigation.

(3) False reporting is a Class I misdemeanor.

Sec. 2. That original section 28-907, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 1, line 3, strike "cause" and insert "authorize requiring"; and in line 4 strike "have liability" and insert "pay restitution".

(Signed) Janis M. McKenzie, Chairperson

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 584. Indefinitely postponed.
LEGISLATIVE BILL 673. Indefinitely postponed.
LEGISLATIVE BILL 749. Indefinitely postponed.
LEGISLATIVE BILL 919. Indefinitely postponed.
LEGISLATIVE BILL 990. Indefinitely postponed.

(Signed) Doug Kristensen, Chairperson

MESSAGE FROM THE GOVERNOR

March 7, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Commission on Information Technology.

APPOINTEE: Gary Warren

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

REPORTS

Received report from the Department of Roads of the State Highway Inventory for 1993.

Received proposed plan from the Department of Labor on Job Training of Greater Nebraska for Title II programs.

MOTION - Approve Appointments

Ms. Schimek moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following Governor appointment found in the Journal on page 1016: Catherine Walters - Crime Victims Reparations Committee.

Voting in the affirmative, 26:

Abboud	Dierks	Jones	Rasmussen	Wesely
Bernard-Stevens	Elmer	Kristensen	Schimek	Wickersham
Coordsen	Fisher	Matzke	Schmitt	Will
Crosby	Hartnett	McKenzie	Vrtiska	Witek
Cudaback	Hudkins	Pedersen	Wehrbein	Withem
	Janssen			

Voting in the negative, 0.

Present and not voting, 8:

Ashford	Engel	Hillman	Preister	Robinson
Bohlke	Hall	Lynch		

Excused and not voting, 15:

Avery	Byars	Haberman	Monen	Robak
Beutler	Chambers	Landis	Moore	Schellpeper
Bromm	Day	Lindsay	Pirsch	Warner

The appointment was confirmed with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Ms. Schimek moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following Governor appointments found in the Journal on page 1016: Jean Lovell - Governor's Policy Research and Energy Office and Allen Curtis - Director of the NE Commission on Law Enforcement and Criminal Justice.

Voting in the affirmative, 25:

Abboud	Fisher	Kristensen	Preister	Vrtiska
Coordsen	Hartnett	Lynch	Rasmussen	Wehrbein
Crosby	Hillman	Matzke	Robinson	Wesely
Dierks	Janssen	McKenzie	Schimek	Wickersham
Elmer	Jones	Monen	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 10:

Ashford	Bohlke	Engel	Hudkins	Will
Bernard-Stevens	Cudaback	Hall	Pedersen	Witek

Excused and not voting, 14:

Avery	Byars	Haberman	Moore	Schellpeper
Beutler	Chambers	Landis	Pirsch	Warner
Bromm	Day	Lindsay	Robak	

These appointments were confirmed with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 324. Read. Considered.

LEGISLATIVE RESOLUTION 325. Read. Considered.

LEGISLATIVE RESOLUTION 326. Read. Considered.

LEGISLATIVE RESOLUTION 327. Read. Considered.

LEGISLATIVE RESOLUTION 328. Read. Considered.

LEGISLATIVE RESOLUTION 329. Read. Considered.

Mrs. Witek requested a division of the question to allow consideration of LR 325 separately.

The Chair sustained the division of the question.

Pursuant to Rule 4, Section 5, LRs 324, 326, 327, 328, and 329 were adopted with 33 ayes, 0 nays, and 16 not voting.

Messrs. Haberman, Coordsen, and Fisher asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE RESOLUTION 325. Considered.

Mrs. Witek offered the following amendment:
FA421
Strike within the first "Resolved" paragraph "and to recognize his birthday as a school holiday"

MR. KRISTENSEN PRESIDING

Mr. Bernard-Stevens moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Witek moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mrs. Witek requested a roll call vote on her amendment.

Voting in the affirmative, 4:

Abboud	Cudaback	Landis	Witek

Voting in the negative, 38:

Ashford	Chambers	Engel	Jones	Moore
Bernard-Stevens	Coordsen	Hall	Kristensen	Pedersen
Beutler	Crosby	Hartnett	Lindsay	Preister
Bohlke	Day	Hillman	Lynch	Rasmussen
Byars	Dierks	Hudkins	Matzke	Robinson
	Elmer	Janssen	Monen	Schellpeper

Schimek	Vrtiska	Wehrbein	Wickersham	Withem
Schmitt	Warner	Wesely	Will	

Absent and not voting, 2:

Bromm McKenzie

Excused and not voting, 5:

Avery Fisher Haberman Pirsch Robak

The Witek amendment lost with 4 ayes, 38 nays, 2 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LR 325 was adopted with 25 ayes, 0 nays, and 24 not voting.

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 1351. Placed on General File as amended. (Standing Committee amendment, AM3473, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) John Lindsay, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 971A. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 971, Ninety-third Legislature, Second Session, 1994.

UNANIMOUS CONSENT - Print in Journal

Mr. Coordsen asked unanimous consent to print the following amendment to LB 942 in the Journal. No objections. So ordered.

AM4006

1. Strike original section 2 and insert the following new sections:

"Sec. 2. That section 8-1111, Revised Statutes Supplement, 1993, be amended to read as follows:

8-1111. Except as provided in this section,

sections 8-1103 to 8-1109 shall not apply to any of the following transactions:

(1) Any isolated transaction, whether effected through a broker-dealer or not;

(2) Any nonissuer distribution of an outstanding security by a registered agent of a registered broker-dealer if (a) a recognized securities manual contains the name of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations or (b) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the security;

(3) Any nonissuer transaction effected by or through a registered agent of a registered broker-dealer pursuant to an unsolicited order or offer to buy, but the director may by rule or regulation require that the customer acknowledge upon a specified form that the sale was unsolicited and that a signed copy of each such form be preserved by the broker-dealer for a specified period;

(4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter or among underwriters;

(5) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust or by an agreement for the sale of real estate or chattels if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, are offered and sold as a unit. Such exemption shall not apply to any transaction in a bond or other evidence of indebtedness secured by a real estate mortgage or deed of trust or by an agreement for the sale of real estate if the real estate securing the evidences of indebtedness are parcels of real estate the sale of which requires the subdivision in which the parcels are located to be registered under the Interstate Land Sales Full Disclosure Act, 82 Stat. 590 et seq., 15 U.S.C. 1701 et seq.;

(6) Any transaction by an executor, personal representative, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator;

(7) Any transaction executed by a bona fide pledgee without any purpose of evading the Securities Act of Nebraska;

(8) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940,

pension or profit-sharing trust, or other financial institution or institutional buyer or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity;

(9) Any transaction pursuant to an offering in which sales are made to not more than ten persons, other than those designated in subdivisions (8), (11), and (17) of this section, in this state during any period of twelve consecutive months if (a) the seller reasonably believes that all the buyers are purchasing for investment, (b) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective buyer except to a registered agent of a registered broker-dealer, (c) a notice generally describing the terms of the transaction and containing a representation that the conditions of this exemption are met is filed by the seller with the director within thirty days after the first sale for which this exemption is claimed, except that failure to give such notice may be cured by an order issued by the director in his or her discretion, and (d) no solicitations are made by newspaper, radio, or television;

(10) Any offer or sale of a preorganization certificate or subscription if (a) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, (b) the number of subscribers does not exceed ten, and (c) no payment is made by any subscriber;

(11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if (a) no commission or other remuneration, other than a standby commission, is paid or given directly or indirectly for soliciting any security holder in this state or (b) the issuer first files a notice specifying the terms of the offer and the director does not by order disallow the exemption within the next five full business days;

(12) Any offer, but not a sale, of a security for which registration statements have been filed under both the Securities Act of Nebraska and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either the Securities Act of Nebraska or the Securities Act of 1933;

(13) The issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by the stockholders for the distribution other than the surrender of a right to a cash dividend when the stockholder can elect to take a

dividend in cash or stock;

(14) Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi-reorganization, stock split, reverse stock split, merger, consolidation, or sale of assets;

(15) Any transaction involving the issuance for cash of any evidence of ownership interest or indebtedness by an agricultural cooperative formed as a corporation under section 21-1301 or 21-1401 if the issuer has first filed a notice of intention to issue with the director and the director has not by order, mailed to the issuer by certified or registered mail within ten business days after receipt thereof, disallowed the exemption;

(16) Any transaction in this state not involving a public offering when (a) there is no general or public advertising or solicitation, (b) no commission or remuneration is paid directly or indirectly for soliciting any prospective buyer, except to a registered agent of a registered broker-dealer or registered issuer-dealer, (c) a notice generally describing the terms of the transaction and containing a representation that the conditions of this exemption are met is filed by the seller with the director no later than ten days prior to any sales for which this exemption is claimed, except that failure to give such notice may be cured by an order issued by the director in his or her discretion, (d) a filing fee of two hundred dollars is paid at the time of filing the notice, and (e) any such transaction is effected in accordance with rules and regulations adopted and promulgated by the director relating to this section when the director finds in adopting and promulgating such rules and regulations that the applicability of sections 8-1104 to 8-1107 is not necessary or appropriate in the public interest or for the protection of investors. For purposes of this subdivision, not involving a public offering shall mean any offering in which the seller has reason to believe that the securities purchased are taken for investment and in which each offeree, by reason of his or her knowledge about the affairs of the issuer or otherwise, does not require the protections afforded by registration under sections 8-1104 to 8-1107 in order to make a reasonably informed judgment with respect to such investment;

(17) The issuance of any investment contract issued in connection with an employee's stock purchase, savings, pension, profit-sharing, or similar benefit plan if no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective buyer except to a registered agent of a registered broker-dealer and if the director is notified in writing within thirty days after the

inception of the plan or, with respect to plans which were in effect prior to August 18, 1965, but closed on that date, within thirty days after they are reopened; ~~or~~

(18) Any interest in a common trust fund or similar fund maintained by a bank or trust company organized and supervised under the laws of any state or a bank organized under the laws of the United States for the collective investment and reinvestment of funds contributed to such common trust fund or similar fund by the bank or trust company in its capacity as trustee, personal representative, administrator, or guardian and any interest in a collective investment fund or similar fund maintained by the bank or trust company for the collective investment of funds contributed to such collective investment fund or similar fund by the bank or trust company in its capacity as trustee or agent which interest is issued in connection with an employee's savings, pension, profit sharing, or similar benefit plan or a self-employed person's retirement plan, if a notice generally describing the terms of the collective investment fund or similar fund is filed by the bank or trust company with the director within thirty days after the establishment of the fund. Failure to give the notice may be cured by an order issued by the director in his or her discretion; or

(19) Any transaction in which a United States Series EE Savings Bond is given or delivered with or as a bonus on account of any purchase of any item or thing.

The director may by order deny or revoke the exemption specified in subdivision (2) of this section with respect to a specific security. Upon the entry of such an order, the director shall promptly notify all registered broker-dealers that it has been entered and of the reasons therefor and that within fifteen business days of the receipt of a written request the matter will be set down for hearing. If no hearing is requested within fifteen business days of the issuance of the order and none is ordered by the director, the order shall automatically become a final order and shall remain in effect until it is modified or vacated by the director. If a hearing is requested or ordered, the director, after notice of and opportunity for hearing to all interested persons, shall enter his or her written findings of fact and conclusions of law and may affirm, modify, or vacate the order. No such order may operate retroactively. No person may be considered to have violated the provisions of the Securities Act of Nebraska by reason of any offer or sale effected after the entry of any such order if he or she sustains the burden of proof that he or she did not know and in the exercise of reasonable care could not have known of the order. In any proceeding under the act, the burden of proving

an exemption from a definition shall be upon the person claiming it.

Sec. 3. That original sections 8-1110 and 8-1111, Revised Statutes Supplement, 1993, are repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

MOTION - Return LB 511 to Select File

Mrs. Witek moved to return LB 511 to Select File for her specific amendment, AM3137, found in the Journal on page 700.

SPEAKER WITHEM PRESIDING

Mrs. Witek requested a record vote on her motion to return.

Voting in the affirmative, 1:

Witek

Voting in the negative, 25:

Abboud	Crosby	Hillman	Moore	Wehrbein
Bernard-Stevens	Cudaback	Hudkins	Robinson	Wesely
Beutler	Engel	Janssen	Schmitt	Wickersham
Bohlke	Hall	Landis	Vrtiska	Will
Bromm	Hartnett	McKenzie	Warner	Withem

Present and not voting, 18:

Ashford	Day	Kristensen	Monen	Rasmussen
Byars	Dierks	Lindsay	Pedersen	Schellpeper
Chambers	Elmer	Lynch	Preister	Schimek
Coordsen	Jones	Matzke		

Excused and not voting, 5:

Avery	Fisher	Haberman	Pirsch	Robak

The Witek motion to return lost with 1 aye, 25 nays, 18 present and not voting, and 5 excused and not voting.

WITHDRAW - Amendment to LB 511

Mr. Will and Mrs. McKenzie withdrew their amendment, AM3616, found in the Journal on page 1052, to LB 511.

MOTION - Return LB 511 to Select File

Mr. Will and Mrs. McKenzie moved to return LB 511 to Select File for the following specific amendment:
FA422

(Amendments to Final Reading Copy)

1. Insert the following new section:

"Sec. 8. This act shall become operative on January 1, 1995."

2. On page 1, line 8, after the last semicolon, insert "to provide an operative date;".

3. On page 2, line 25; page 5, line 25; page 8, line 3; and page 10, line 15, strike "architectural and aesthetic".

4. On page 3, line 13; page 6, lines 12 and 13; page 8, line 19; and page 11, line 3, strike "architectural and aesthetic".

5. On page 5, line 13; page 7, line 18; and page 10, line 3, before "The" insert "(a)".

6. Renumber the remaining section accordingly.

The Will-McKenzie motion to return prevailed with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Ms. Day asked unanimous consent to be excused until she returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 511. The Will-McKenzie specific amendment, FA422, found in this day's Journal, was adopted with 25 ayes, 5 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to E & R for reengrossment.

UNANIMOUS CONSENT - Members Excused

Messrs. Cudaback, Monen, Janssen, Abboud, Beutler, Mmes. Bohlke, Rasmussen, and Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Place LB 80 on General File

Mrs. Crosby renewed her pending motion, found in the Journal on page 1000, to place LB 80 on General File, notwithstanding the action of the committee, pursuant to Rule 3, Section 17.

Messrs. Coordsen, Schellpeper, Pedersen, and Elmer asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Crosby moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mrs. Crosby requested a roll call vote on her motion to place LB 80 on General File.

Voting in the affirmative, 18:

Abboud	Chambers	Jones	Vrtiska	Wesely
Ashford	Crosby	Preister	Warner	Witek
Beutler	Dierks	Robinson	Wehrbein	Withem
Bromm	Hudkins	Schmitt		

Voting in the negative, 16:

Bernard-Stevens	Day	Landis	Matzke	Schimek
	Fisher	Lindsay	McKenzie	Wickersham
Bohlke	Hall	Lynch	Moore	Will
Byars	Kristensen			

Present and not voting, 2:

Engel	Hartnett

Excused and not voting, 13:

Avery	Elmer	Janssen	Pirsch	Robak
Coordsen	Haberman	Monen	Rasmussen	Schellpeper
Cudaback	Hillman	Pedersen		

The Crosby motion to place LB 80 on General File lost with 18 ayes, 16 nays, 2 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 1136. Placed on General File as amended.
Standing Committee amendment to LB 1136:
AM3593

1. Strike the original sections and insert the following new sections:

"Section 1. The Legislature finds that present state appropriations on behalf of community-based services to

persons with developmental disabilities is twenty-nine million dollars below the amount which has been identified by the Department of Public Institutions as being the minimum necessary to pay the reasonable costs of providing such services to all Nebraskans who are eligible to receive them. Of that total, eighteen million dollars is required to bring services to an estimated one thousand one hundred fifty-five persons who are presently waiting for services and eleven million dollars is required to pay employees of community-based providers of services on a parity with employees performing essentially the same tasks in state institutions. The Legislature also finds that increasing the present appropriation by the required amount in a single budget period is not feasible but that the state must pursue full funding of community-based developmental disability programs on a reasonable timeframe. Although Nebraska is presently committed to the goal of providing services to all eligible persons by July 1, 1996, the Legislature finds that a more realistic goal is July 1, 2000, and hereby commits itself and the state to attaining that goal.

Sec. 2. There is hereby appropriated $2,000,000 from the General Fund for FY1994-95 to the Department of Public Institutions, for Program 424.

Sec. 3. It is the intent of the Legislature that there be appropriated from the General Fund, in addition to the amount of the continuation budget, to the Department of Public Institutions, for Program 424, (1) $3,000,000 for FY1995-96, (2) $4,000,000 for FY1996-97, (3) $5,000,000 for FY1997-98, (4) $7,000,000 for FY1998-99, and (5) $8,000,000 for FY1999-2000.

Sec. 4. That section 83-1201, Revised Statutes Supplement, 1993, be amended to read as follows:

83-1201. Sections 83-1201 to 83-1226 and sections 5 and 6 of this act shall be known and may be cited as the Developmental Disabilities Services Act.

Sec. 5. There is hereby created the Advisory Committee on Developmental Disabilities. The advisory committee shall consist of not more than fifteen members as follows: (1) A representative of the Governor's office; (2) three persons with developmental disabilities; (3) a representative of the Department of Public Institutions; (4) a representative of the Department of Health; (5) a representative of the Department of Social Services; (6) three parents of persons with developmental disabilities; (7) a regional director of a developmental disability region; (8) a representative of the Beatrice State Developmental Center; (9) a representative of an advocacy group on behalf of persons with developmental disabilities; (10) a representative of private service providers; and (11) one at-large member. The

members shall be appointed by the Governor for staggered terms of three years. Any vacancy shall be filled by the Governor for the remainder of the term. One of the members shall be designated as chairperson by the Governor. Members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 6. The Advisory Committee on Developmental Disabilities shall advise the Department of Public Institutions regarding all aspects of the funding and delivery of services to persons with developmental disabilities.

Sec. 7. That section 83-1216, Revised Statutes Supplement, 1993, be amended to read as follows:

83-1216. (1) By December 1, 1991, the department shall, in conjunction with persons with developmental disabilities, their families or designated advocates, service providers, state and local officials, and the general public, define and develop a plan for a system of service coordination for persons with developmental disabilities and their families. This system may be implemented on March 1, 1992.

(2) By July 1, 1992, the department shall conduct a needs assessment and develop a services plan for each person found to be eligible for services.

(3) By September 15, 1992, the department shall submit a budget request to fund services required to address the assessed needs of eligible persons.

(4) Beginning July 1, 1995, persons determined to be eligible for specialized services who on or after September 6, 1993, graduate from high school, reach the age of twenty-one years, or are currently receiving services shall receive services in accordance with the Developmental Disabilities Services Act.

(5) On or after July 1, 1995, the department shall provide directly or by contract service coordination to each person found to be eligible for services.

(6) It is the intent of the Legislature that beginning July 1, ~~1996~~ 2000, all persons determined to be eligible for services shall receive services in accordance with the act. On or before December 1, 1991, the department shall submit a report to the Legislature and the Governor as to the number of persons anticipated to be served, what services would be needed, how the services would be developed, and the cost of serving all eligible persons.

(7) It is the intent of the Legislature that the Department of Public Institutions take all possible steps to maximize funding in order to implement subsections (4) and (5) of this section prior to the date these subsections become entitlements. It is the intent of the Legislature that funding sources within the Department of Social Services, the State Department of Education, specifically including the

Division of Rehabilitation Services, and other agencies be utilized to the maximum extent possible.

Sec. 8. That original sections 83-1201 and 83-1216, Revised Statutes Supplement, 1993, are repealed.".

(Signed) Don Wesely, Chairperson

VISITORS

Visitors to the Chamber were 52 eighth grade students, sponsors, and principle from Mary Our Queen School, Omaha; 57 fourth grade students, teacher, and sponsor from Crete Elementary School; Harumi Suemitsu from Osaka, Japan and Dr. Larry Vaughan from Lincoln; and 34 eighth grade students and sponsor from St. Columbkille School, Papillion.

RECESS

At 12:13 p.m., on a motion by Mrs. Bohlke, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Robak presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Robak who was excused; and Messrs. Avery, Bromm, Coordsen, Haberman, Hall, Landis, Robinson, Wesely, and Mrs. Pirsch who were excused until they arrive.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 1062. Indefinitely postponed.
LEGISLATIVE BILL 1081. Indefinitely postponed.
LEGISLATIVE BILL 1102. Indefinitely postponed.
LEGISLATIVE BILL 1104. Indefinitely postponed.
LEGISLATIVE BILL 1105. Indefinitely postponed.

(Signed) Doug Kristensen, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 328, LR 329, LR 327, LR 326, LR 325, and LR 324.

GENERAL FILE

LEGISLATIVE BILL 1290. Mr. Withem withdrew his amendment, AM3597, found in the Journal on page 1053.

Mr. Withem offered the following amendment:
FA423
That AM3360 be amended as follows: Pg 1, line 5; Strike from "Beginning" through comma and insert "On April 1, 1994 and"; line 6 after "year" insert "thereafter"; line 15 before "establishment" insert "Beginning in 1995".

Mr. Withem withdrew his amendment.

Mr. Warner moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Moore requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Abboud	Cudaback	Hillman	McKenzie	Wehrbein
Ashford	Dierks	Kristensen	Monen	Wesely
Beutler	Elmer	Landis	Pedersen	Wickersham
Coordsen	Hall	Lindsay	Rasmussen	Will
Crosby	Hartnett	Matzke	Warner	Witek

Voting in the negative, 19:

Avery	Bromm	Fisher	Jones	Schellpeper
Bernard-Stevens	Byars	Haberman	Lynch	Schmitt
Bohlke	Day	Hudkins	Moore	Vrtiska
	Engel	Janssen	Robinson	Withem

Present and not voting, 3:

Chambers	Preister	Schimek

Excused and not voting, 2:

Pirsch	Robak

Advanced to E & R for review with 25 ayes, 19 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 863. Placed on General File as amended.
Standing Committee amendment to LB 863:
AM3278

1. On page 2, line 4, strike "pursuant to section 79-1283" and insert "subsequent to employment"; in lines 11, 13, and 25 strike "Commissioner of Education,"; and in lines 14 and 26, strike the first comma.

2. On page 4, strike beginning with "Any" in line 2 through line 15.

LEGISLATIVE BILL 989. Placed on General File as amended.
Standing Committee amendment to LB 989:
AM3588

1. Strike the original sections and insert the following new sections:

"Section 1. That section 79-3703, Revised Statutes Supplement, 1993, be amended to read as follows:

79-3703. (1) The State Board of Education shall establish the Early Childhood Education Pilot Project Program. The State Department of Education, with the assistance of an Early Childhood Education Pilot Project Steering Committee appointed by the State Board of Education, shall establish guidelines and criteria for pilot projects. Based on such criteria and guidelines, the board shall request proposals from local school districts and cooperatives of school districts and select four proposals for early childhood education pilot projects. Each project selected shall be provided funds of up to one hundred thousand dollars per year.

(2) Each pilot project proposal which is accepted by the board shall include (a) a planning period of at least six months, (b) an agreement to participate in an evaluation of the project to be specified by the department, (c) evidence that the project will be coordinated or contracted with existing programs, including Head Start and services for handicapped children below five years of age as provided in the Special Education Act, and (d) a plan to use a combination of funding sources, including sliding fee scales, to maximize the participation of diverse groups.

(3) Each pilot project shall also demonstrate the following elements of quality early childhood education programs, including: (a) A strong family education component recognizing the central role of parents in their children's development; (b) well-trained staff and optimum staff and child ratios; (c) developmentally appropriate curriculum, practices, and assessment; (d) sensitivity to the economic and logistical needs and circumstances of families in the provision of services; (e) integration of children of diverse social and economic characteristics; (f) a sound evaluation

component, including at least one objective measure of child performance and progress; and (g) continuity with programs in kindergarten and elementary grades.

(4) One pilot project shall be located in each of the three congressional districts, and one shall be located at large according to the decision of the department.

(5) The pilot projects shall ~~continue for three calendar~~ receive state support for three school years, and by ~~July~~ March 1, 1995, the department shall conduct an overall evaluation of the success or failure of the pilot projects and components thereof. The evaluation shall include, but not be limited to, the following factors:

(a) A description of the socioeconomic, racial, ethnic, and disability status of children and families served;

(b) A description of how the pilot projects were coordinated with Head Start, private preschool programs, and other providers of early childhood education services;

(c) A description of expenditures for each pilot project and the funding sources, including federal, state, school district, and private funds;

(d) The impact of the pilot projects on the performance of participants in the early elementary grades; and

(e) The availability and utilization of federal funds for early childhood programs.

A report evaluating the pilot projects shall be made to the State Board of Education and the Education Committee of the Legislature by November 30, 1995. The report shall include a plan to evaluate the impacts of the pilot projects as the participants progress through school and beyond and recommendations regarding the advisability of future state support for early childhood education programs including, if applicable, the appropriate combination of federal, state, school district, and private funding necessary to support such programs.

Sec. 2. That original section 79-3703, Revised Statutes Supplement, 1993, is repealed.".

(Signed) Ardyce Bohlke, Chairperson

NOTICE OF COMMITTEE HEARING
Natural Resources

Governor Appointments Thursday, March 17, 1994 4:00 p.m.
Nebraska Power Review Board
Raymond J. Hajek
Rick Morehouse

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Ashford asked unanimous consent to print the following amendment to LB 988 in the Journal. No objections. So ordered.

AM3569

(Amendments to Final Reading copy)

1. On page 6, line 9, strike the comma and insert "or" and in line 12 strike ", or (c)" and insert ". In schools or on school grounds which are not located in cities of the metropolitan or primary class, this subsection shall not apply to".

Messrs. Ashford and Will asked unanimous consent to print the following amendment to LB 988 in the Journal. No objections. So ordered.

AM3568

(Amendments to Final Reading copy)

1. On page 6, line 9, strike the comma and insert "or"; and in line 12 strike ", or (c)" and insert ". In schools or on school grounds which are not located in a city of the metropolitan class, this subsection shall not apply to".

RESOLUTION

LEGISLATIVE RESOLUTION 332. Introduced by Crosby, 29; Beutler, 28; Schimek, 27.

WHEREAS, the Lincoln Southeast Knights girls' basketball team won the Class A Girls State High School Basketball Championship, the team's second title in two years; and

WHEREAS, the Knights are only the second girls basketball team in state history to win back-to-back Class A state championships; and

WHEREAS, the Knights' 46-32 win over Omaha Marion also gave the 22-2 Knights their fifth championship since 1986, more than any other Class A girls basketball team; and

WHEREAS, the Lincoln Southeast Knights girls' basketball team and their Coach, John Larsen, deserve special recognition for an incredible 1994 season and for their longstanding team successes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulate the Lincoln Southeast Knights girls' basketball team and Coach John Larsen.

2. That a copy of this resolution be sent to the Lincoln Southeast Knights girls' basketball team and Coach John Larsen.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 984. Title read. Considered.

Standing Committee amendment, AM3408, printed separately from the Journal and referred to on page 909, was considered.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. McKenzie and Mr. Wehrbein renewed their pending amendment, AM3603, found in the Journal on page 1053, to the Standing Committee amendment.

Mr. Hall raised a point of order on whether an introducer's amendment to the Standing Committee amendment has priority over other previously filed amendments to the Standing Committee amendments under the provisions of Rule 6, Section 3(b).

The Chair ruled that amendments to the Standing Committee amendments which are offered by the introducer of the bill have priority over other amendments to amendments.

Mrs. McKenzie and Mr. Wehrbein withdrew their amendment, AM3603, found in the Journal on page 1053, to the Standing Committee amendment.

Mr. Wehrbein offered the following amendment to the Standing Committee amendment:
AM3640

(Amendments to Standing Committee amendments, AM3408)

1. Strike section 4.

2. On page 1, line 6, strike "5" and insert "4"; in line 10 before the period insert "or sold for use in the State of Nebraska"; and in line 23 strike "grower" and insert "seller".

3. On page 2, strike beginning with "together" in line 1 through "2-4012" in line 3 and insert "by the Department of Revenue"; strike beginning with "except" in line 4 through "act" in line 5; in line 21 strike "grower" and insert "seller"; and in line 23 strike "grower and".

4. On page 3, strike lines 3 and 4 and insert "the Department of Revenue by"; and strike beginning with "Corn" in line 11 through "Board" in line 13 and insert "department".

5. On page 4, line 26; page 8, line 17; page 12, line 18; page 13, line 4; and page 14, line 4, strike "to 4" and insert "and 3".

6. On page 5, line 6, after "a" insert "nonrefundable".

7. On page 7, line 1, strike "section 4" and insert "sections 2 and 3".

8. On page 8, line 16, strike "taxes" and insert "tax".

9. On page 12, lines 15 and 26; and page 14, line 1, strike "grower" and insert "seller".

10. On page 12, line 18; page 13, line 4; and page 14, line 4, after the period insert "The credit may be carried over until fully utilized, except that the credit may not be carried over more than five years after the year in which the excise tax was paid.".

11. Renumber the remaining sections accordingly.

Mr. Hall requested a division of the question on the Wehrbein amendment.

The Chair sustained the division of the question.

The first Wehrbein amendment, to the Standing Committee amendment, is as follows:

FA424

(Amendments to Standing Committee amendments, AM3408)

1. Strike section 4.

2. On page 1, line 6, strike "5" and insert "4"; in line 10 before the period insert "or sold for use in the State of Nebraska"; and in line 23 strike "grower" and insert "seller".

5. On page 4, line 26; page 8, line 17; page 12, line 18; page 13, line 4; and page 14, line 4, strike "to 4" and insert "and 3".

7. On page 7, line 1, strike "section 4" and insert "sections 2 and 3".

8. On page 8, line 16, strike "taxes" and insert "tax".

9. On page 12, lines 15 and 26; and page 14, line 1, strike "grower" and insert "seller".

11. Renumber the remaining sections accordingly.

Messrs. Warner, Monen, and Pedersen asked unanimous consent to be excused. No objections. So ordered.

Mr. Avery asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?" The motion lost with 14 ayes, 10 nays, and 25 not voting.

Mr. Hall requested a record vote on the first Wehrbein amendment to the Standing Committee amendment.

Voting in the affirmative, 28:

Avery	Coordsen	Fisher	Kristensen	Schimek
Bernard-Stevens	Crosby	Haberman	Matzke	Schmitt
Bohlke	Day	Hillman	McKenzie	Vrtiska
Bromm	Dierks	Hudkins	Moore	Wehrbein
Byars	Elmer	Janssen	Robinson	Wickersham
	Engel	Jones	Schellpeper	

Voting in the negative, 7:

Abboud	Hall	Lindsay	Rasmussen	Will
Beutler	Hartnett			

Present and not voting, 9:

Ashford	Cudaback	Lynch	Wesely	Withem
Chambers	Landis	Preister	Witek	

Excused and not voting, 5:

Monen	Pedersen	Pirsch	Robak	Warner

The first Wehrbein amendment was adopted with 28 ayes, 7 nays, 9 present and not voting, and 5 excused and not voting.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

The second Wehrbein amendment, to the Standing Committee amendment, is as follows:

FA425

(Amendments to Standing Committee amendments, AM3408)

3. On page 2, strike beginning with "together" in line 1 through "2-4012" in line 3 and insert "by the Department of Revenue"; strike beginning with "except" in line 4 through "act" in line 5; in line 21 strike "grower" and insert "seller"; and in line 23 strike "grower and".

4. On page 3, strike lines 3 and 4 and insert "the Department of Revenue by"; and strike beginning with "Corn" in line 11 through "Board" in line 13 and insert "department".

6. On page 5, line 6, after "a" insert "nonrefundable".

The second Wehrbein amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

The third Wehrbein amendment, to the Standing Committee amendment, is as follows:
FA426

(Amendments to Standing Committee amendments, AM3408)

10. On page 12, line 18; page 13, line 4; and page 14, line 4, after the period insert "The credit may be carried over until fully utilized, except that the credit may not be carried over more than five years after the year in which the excise tax was paid.".

Messrs. Chambers and Will asked unanimous consent to be excused. No objections. So ordered.

MR. LINDSAY PRESIDING

Messrs. Wesely and Beutler asked unanimous consent to be excused. No objections. So ordered.

The third Wehrbein amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Ms. Schimek asked unanimous consent to print the following amendment to LB 132 in the Journal. No objections. So ordered.

AM3511

(Amendments to E & R amendment, AM5642)

1. Insert the following new section:

"Sec. 3. That section 81-814.01, Revised Statutes Supplement, 1992, be amended to read as follows:

81-814.01. (1) The Game and Parks Commission may establish change cash funds for use at any of the following locations:

(a) Staffed state parks;

(b) Staffed state recreation areas;

(c) Staffed state historical parks;

(d) Staffed state wildlife management areas; and

(e) Administrative offices of the ~~Game and Parks Commission~~ commission.

(2) Money for the change cash funds shall be taken from the State Game Fund or the State Park Fund.

(3) The amount of each change cash fund shall be determined by the commission based upon need at each location.

At no location shall the sum of money to be used as a change cash fund exceed ~~five~~ ten thousand dollars.

(4) Personnel at each location where a change cash fund has been established shall make a monthly accounting of such fund to the ~~Game and Parks Commission~~ commission. The commission shall make a monthly accounting of all change cash funds to the State Treasurer.".

2. On page 5, line 17, after "original" insert "section 81-814.01, Revised Statutes Supplement, 1992, and".

3. Renumber the remaining section accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LB 979 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM3611.)

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 1210. Placed on General File as amended. (Standing Committee amendment, AM3517, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Don Wesely, Chairperson

ADJOURNMENT

At 5:18 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Thursday, March 10, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

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THIRTY-EIGHTH DAY - MARCH 10, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 10, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Father Lloyd Gnirk, President, Roncalli High School, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Robak who was excused; and Messrs. Bernard-Stevens, Beutler, Bromm, Hall, Hartnett, Kristensen, Lindsay, Moore, Mmes. Bohlke, McKenzie, Rasmussen, and Ms. Day who were excused until they arrive.

SPEAKER WITHEM PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 1121. Indefinitely postponed.
LEGISLATIVE BILL 1155. Indefinitely postponed.
LEGISLATIVE BILL 1156. Indefinitely postponed.
LEGISLATIVE BILL 1157. Indefinitely postponed.
LEGISLATIVE BILL 1158. Indefinitely postponed.

(Signed) Doug Kristensen, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 877.

A BILL FOR AN ACT relating to the Nebraska Sale of Checks Act; to amend section 8-1003, Reissue Revised Statutes of Nebraska, 1943; to exempt credit unions from the act; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Abboud	Elmer	Landis	Robinson	Wehrbein
Byars	Engel	Matzke	Schellpeper	Wesely
Chambers	Haberman	Monen	Schimek	Wickersham
Coordsen	Hillman	Pedersen	Schmitt	Will
Crosby	Hudkins	Pirsch	Vrtiska	Witek
Cudaback	Janssen	Preister	Warner	Withem
Dierks				

Voting in the negative, 0.

Present and not voting, 4:

Ashford	Avery	Fisher	Lynch

Excused and not voting, 14:

Bernard-Stevens	Bohlke	Hall	Kristensen	Moore
	Bromm	Hartnett	Lindsay	Rasmussen
Beutler	Day	Jones	McKenzie	Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1025.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-702, Reissue Revised Statutes of Nebraska, 1943; to require the fingerprints and a criminal background check of all fire department applicants as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Abboud	Dierks	Hudkins	Pirsch	Warner
Ashford	Elmer	Janssen	Robinson	Wehrbein
Bohlke	Engel	Kristensen	Schellpeper	Wesely
Byars	Fisher	Landis	Schimek	Will
Coordsen	Haberman	Matzke	Schmitt	Witek
Crosby	Hartnett	Monen	Vrtiska	Withem
Cudaback	Hillman	Pedersen		

Voting in the negative, 0.

Present and not voting, 5:

Avery	Chambers	Lynch	Preister	Wickersham

Excused and not voting, 11:

Bernard-Stevens	Bromm	Jones	McKenzie	Rasmussen
	Day	Lindsay	Moore	Robak
Beutler	Hall			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 621.

A BILL FOR AN ACT relating to public meetings; to amend sections 84-1410 and 84-1414, Revised Statutes Supplement, 1992; to redefine formal action; to change penalty provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud	Coordsen	Fisher	Kristensen	Pirsch
Ashford	Crosby	Haberman	Landis	Preister
Beutler	Cudaback	Hartnett	Matzke	Robinson
Bohlke	Dierks	Hillman	McKenzie	Schellpeper
Byars	Elmer	Hudkins	Monen	Schimek
Chambers	Engel	Janssen	Pedersen	Schmitt

Vrtiska	Wehrbein	Wickersham	Witek	Withem
Warner	Wesely	Will		

Voting in the negative, 0.

Present and not voting, 2:

Avery	Lynch

Excused and not voting, 9:

Bernard-Stevens	Bromm	Hall	Lindsay	Rasmussen
	Day	Jones	Moore	Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 874.

A BILL FOR AN ACT relating to land surveying; to amend sections 81-8,108, 81-8,110.01 to 81-8,110.07, 81-8,110.13, 81-8,110.15, 81-8,113 to 81-8,115, 81-8,117, 81-8,118, 81-8,119.01 to 81-8,121, and 81-8,122.02 to 81-8,125, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,109, Revised Statutes Supplement, 1992; to eliminate obsolete provisions; to redefine terms; to change provisions relating to membership, meetings, and procedures of the board of examiners, duplicate certificates, examinations, fees, certificate renewal, nonresident registrants, and seals; to provide powers for the Governor; to provide powers and duties for the board of examiners; to provide for probation; to eliminate the examination committee; to harmonize provisions; and to repeal the original sections, and also sections 81-8,110.09, 81-8,110.10, and 81-8,116, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Abboud	Crosby	Hartnett	Monen	Vrtiska
Ashford	Cudaback	Hillman	Pedersen	Warner
Avery	Day	Hudkins	Pirsch	Wehrbein
Beutler	Dierks	Janssen	Preister	Wesely
Bohlke	Elmer	Kristensen	Robinson	Wickersham
Bromm	Engel	Landis	Schellpeper	Will
Byars	Fisher	Matzke	Schimek	Witek
Coordsen	Haberman	McKenzie	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers Lynch

Excused and not voting, 7:

Bernard-Stevens	Hall	Lindsay	Rasmussen	Robak
	Jones	Moore		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 895.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-114, Revised Statutes Supplement, 1992, and section 60-106, Revised Statutes Supplement, 1993; to eliminate requirements for notarized signatures on certificates of title; to change a provision relating to the form for certificate of title; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud	Crosby	Hartnett	Monen	Vrtiska
Ashford	Cudaback	Hillman	Pedersen	Warner
Avery	Day	Hudkins	Pirsch	Wehrbein
Beutler	Dierks	Janssen	Preister	Wesely
Bohlke	Elmer	Kristensen	Robinson	Wickersham
Bromm	Engel	Landis	Schellpeper	Will
Byars	Fisher	Matzke	Schimek	Witek
Chambers	Haberman	McKenzie	Schmitt	Withem
Coordsen				

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 7:

Bernard-Stevens	Hall	Lindsay	Rasmussen	Robak
	Jones	Moore		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 899.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1917, Reissue Revised Statutes of Nebraska, 1943, and section 25-1916, Revised Statutes Supplement, 1992; to allow United States Government bonds to be posted and operate as a supersedeas; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Crosby	Hartnett	Monen	Vrtiska
Ashford	Cudaback	Hillman	Pedersen	Warner
Avery	Day	Hudkins	Pirsch	Wehrbein
Beutler	Dierks	Janssen	Preister	Wesely
Bohlke	Elmer	Kristensen	Robinson	Wickersham
Bromm	Engel	Landis	Schellpeper	Will
Byars	Fisher	Matzke	Schimek	Witek
Chambers	Haberman	McKenzie	Schmitt	Withem
Coordsen				

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 7:

Bernard-Stevens	Hall	Lindsay	Rasmussen	Robak
	Jones	Moore		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 918.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-311.07, Reissue Revised Statutes of Nebraska, 1943, and section 60-311.05, Revised Statutes Supplement, 1992; to require proof of an amateur radio station license issued by the Federal Communications Commission upon renewal of amateur radio station

license plates; to eliminate certain provisions relating to the issuance of such plates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Crosby	Hartnett	Monen	Vrtiska
Ashford	Cudaback	Hillman	Pedersen	Warner
Avery	Day	Hudkins	Pirsch	Wehrbein
Beutler	Dierks	Janssen	Preister	Wesely
Bohlke	Elmer	Kristensen	Robinson	Wickersham
Bromm	Engel	Landis	Schellpeper	Will
Byars	Fisher	Matzke	Schimek	Witek
Chambers	Haberman	McKenzie	Schmitt	Withem
Coordsen				

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 7:

Bernard-Stevens	Hall	Lindsay	Rasmussen	Robak
	Jones	Moore		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 925.

A BILL FOR AN ACT relating to the Jail Standards Board; to amend section 83-4,124, Revised Statutes Supplement, 1992; to change provisions relating to membership; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Bohlke	Coordsen	Dierks	Haberman
Ashford	Bromm	Crosby	Elmer	Hartnett
Avery	Byars	Cudaback	Engel	Hillman
Beutler	Chambers	Day	Fisher	Hudkins

Janssen	Monen	Robinson	Vrtiska	Wickersham
Kristensen	Pedersen	Schellpeper	Warner	Will
Landis	Pirsch	Schimek	Wehrbein	Witek
Matzke	Preister	Schmitt	Wesely	Withem
McKenzie				

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 7:

Bernard-Stevens	Hall	Lindsay	Rasmussen	Robak
	Jones	Moore		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 938.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 1993; to specify the effect of certain court decisions; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Abboud	Coordsen	Haberman	McKenzie	Vrtiska
Ashford	Crosby	Hartnett	Monen	Warner
Avery	Cudaback	Hillman	Pedersen	Wehrbein
Beutler	Day	Hudkins	Pirsch	Wesely
Bohlke	Dierks	Janssen	Preister	Wickersham
Bromm	Elmer	Kristensen	Schellpeper	Will
Byars	Engel	Landis	Schimek	Witek
Chambers	Fisher	Matzke	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 2:

Lynch Robinson

Excused and not voting, 7:

Bernard-Stevens	Hall Jones	Lindsay Moore	Rasmussen	Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 948. With Emergency.

A BILL FOR AN ACT relating to state administrative departments; to eliminate a provision relating to the housing of the Director of Communications and staff; to repeal section 81-1120.21, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud	Coordsen	Haberman	McKenzie	Vrtiska
Ashford	Crosby	Hartnett	Pedersen	Warner
Avery	Cudaback	Hillman	Pirsch	Wehrbein
Beutler	Day	Hudkins	Preister	Wesely
Bohlke	Dierks	Janssen	Robinson	Wickersham
Bromm	Elmer	Kristensen	Schellpeper	Will
Byars	Engel	Landis	Schimek	Witek
Chambers	Fisher	Matzke	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 2:

Lynch	Monen

Excused and not voting, 7:

Bernard-Stevens	Hall Jones	Lindsay Moore	Rasmussen	Robak

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 964.

A BILL FOR AN ACT relating to historical vehicles; to amend section 60-311.16, Reissue Revised Statutes of Nebraska, 1943; to provide for the use of certain license plates; to provide a fee; to provide for rules

and regulations; to eliminate obsolete provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Coordsen	Hall	Matzke	Schmitt
Ashford	Crosby	Hartnett	McKenzie	Vrtiska
Avery	Cudaback	Hillman	Monen	Warner
Bernard-Stevens	Day	Hudkins	Pedersen	Wehrbein
Beutler	Dierks	Janssen	Pirsch	Wesely
Bohlke	Elmer	Kristensen	Preister	Wickersham
Bromm	Engel	Landis	Robinson	Will
Byars	Fisher	Lindsay	Schellpeper	Witek
	Haberman	Lynch	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 4:

Jones	Moore	Rasmussen	Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 977.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2706.01 and 77-2724, Reissue Revised Statutes of Nebraska, 1943, section 77-2717, Revised Statutes Supplement, 1992, and sections 77-2702.07, 77-2702.13, 77-2704.12, 77-2704.13, 77-2704.15, 77-2704.30, 77-2706, 77-2710, 77-2715, 77-2715.02, 77-2715.07, 77-2716, 77-2777, 77-2778, and 77-2780, Revised Statutes Supplement, 1993; to redefine terms relating to sales and use tax; to change sales and use tax exemption provisions; to change certain references to property; to provide for an income tax on estates and trusts; to provide an income tax rate schedule for estates and trusts; to provide for a tax credit for estates and trusts as prescribed; to change provisions relating to the taxation of nonresident estates and trusts; to change protest filing provisions relating to income tax deficiencies; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Abboud	Coordsen	Hall	Matzke	Schmitt
Ashford	Crosby	Hartnett	Monen	Vrtiska
Avery	Cudaback	Hillman	Moore	Warner
Bernard-Stevens	Day	Hudkins	Pedersen	Wehrbein
Beutler	Dierks	Janssen	Pirsch	Wesely
Bohlke	Elmer	Kristensen	Preister	Wickersham
Bromm	Engel	Landis	Robinson	Will
Byars	Fisher	Lindsay	Schellpeper	Witek
Chambers	Haberman	Lynch	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 1:

McKenzie

Excused and not voting, 3:

Jones Rasmussen Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 978.

A BILL FOR AN ACT relating to insurance; to amend section 48-144.03, Reissue Revised Statutes of Nebraska, 1943, sections 44-222, 44-322, 44-416.01, 44-710.19, 44-1540, 44-1643, 44-2002, 44-2143, 44-4417, and 44-5508, Revised Statutes Supplement, 1992, and sections 44-214, 44-219, 44-1523, 44-1525, 44-1538, 44-1640, 44-3904, 44-6001, 44-6002, 44-6003, 44-6008, 44-6009, 44-6015 to 44-6019, and 44-6021 to 44-6026, Revised Statutes Supplement, 1993; to adopt the Disclosure of Material Insurance Transactions Act; to require life insurance companies to submit an opinion on reserves; to define terms; to provide for rules and regulations; to change provisions regulating maximum risks; to provide penalties; to change provisions relating to groups of underwriters; to change provisions relating to coverage for newly born children; to prescribe certain unfair trade practices and certain unfair claims practices; to change internal references regarding group health coverage; to change continuing education requirements for title insurance licensees; to provide fees for purchasing groups; to rename the Life and Health Insurers Risk-Based

Capital Act; to make the act applicable to property and casualty insurers; to redefine terms; to limit the liability of the Director of Insurance and Department of Insurance as prescribed; to change reporting provisions; to change provisions relating to notices of cancellation of workers' compensation insurance; to eliminate an exemption from certificate of authority requirements; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Crosby	Hartnett	McKenzie	Schmitt
Ashford	Cudaback	Hillman	Monen	Vrtiska
Avery	Day	Hudkins	Moore	Warner
Bernard-Stevens	Dierks	Janssen	Pedersen	Wehrbein
Beutler	Elmer	Kristensen	Pirsch	Wesely
Bohlke	Engel	Landis	Preister	Wickersham
Bromm	Fisher	Lindsay	Robinson	Will
Byars	Haberman	Lynch	Schellpeper	Witek
Coordsen	Hall	Matzke	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Jones Rasmussen Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1004.

A BILL FOR AN ACT relating to fees; to amend sections 28-1440, 33-101, 33-102, 33-133, 64-104, and 67-293, Reissue Revised Statutes of Nebraska, 1943; to change fees payable to the Secretary of State; to change notary public fees; to change the distribution of certain fees; to create a fund; to change a fund name; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Abboud	Crosby	Hartnett	McKenzie	Schmitt
Ashford	Cudaback	Hillman	Monen	Vrtiska
Avery	Day	Hudkins	Moore	Warner
Bernard-Stevens	Dierks	Janssen	Pedersen	Wehrbein
Bohlke	Elmer	Kristensen	Pirsch	Wesely
Bromm	Engel	Landis	Preister	Wickersham
Byars	Fisher	Lindsay	Robinson	Will
Chambers	Haberman	Lynch	Schellpeper	Witek
Coordsen	Hall	Matzke	Schimek	Withem

Voting in the negative, 1:

Beutler

Excused and not voting, 3:

Jones	Rasmussen	Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1004A.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1993, LB 541, sections 21 and 22; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1004, Ninety-third Legislature, Second Session, 1994; to reduce appropriations; to state intent; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Abboud	Byars	Fisher	Landis	Pirsch
Ashford	Coordsen	Hall	Lindsay	Preister
Avery	Crosby	Hartnett	Lynch	Robinson
Bernard-Stevens	Day	Hillman	Matzke	Schellpeper
Bohlke	Dierks	Hudkins	McKenzie	Schimek
Bromm	Elmer	Janssen	Monen	Warner
	Engel	Kristensen	Pedersen	Wehrbein

Wesely	Wickersham	Will	Witek	Withem

Voting in the negative, 2:

Beutler	Chambers

Present and not voting, 5:

Cudaback	Haberman	Moore	Schmitt	Vrtiska

Excused and not voting, 3:

Jones	Rasmussen	Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1021.

A BILL FOR AN ACT relating to Class VI school districts; to amend section 79-102.01, Revised Statutes Supplement, 1992; to eliminate limitations on formation; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Crosby	Hillman	Monen	Vrtiska
Ashford	Cudaback	Hudkins	Moore	Warner
Avery	Day	Janssen	Pedersen	Wehrbein
Bernard-Stevens	Dierks	Kristensen	Pirsch	Wesely
	Elmer	Landis	Preister	Wickersham
Beutler	Engel	Lindsay	Robinson	Will
Bohlke	Haberman	Lynch	Schellpeper	Witek
Byars	Hall	Matzke	Schimek	Withem
Coordsen	Hartnett	McKenzie		

Voting in the negative, 0.

Present and not voting, 4:

Bromm	Chambers	Fisher	Schmitt

Excused and not voting, 3:

Jones	Rasmussen	Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 876. With Emergency.

A BILL FOR AN ACT relating to savings and loan associations; to amend section 8-355, Revised Statutes Supplement, 1993; to revise the power of savings and loan associations; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Coordsen	Hall	Matzke	Schmitt
Ashford	Crosby	Hartnett	McKenzie	Vrtiska
Avery	Cudaback	Hillman	Monen	Warner
Bernard-Stevens	Day	Hudkins	Moore	Wehrbein
Beutler	Dierks	Janssen	Pedersen	Wesely
Bohlke	Elmer	Kristensen	Pirsch	Wickersham
Bromm	Engel	Landis	Preister	Will
Byars	Fisher	Lindsay	Schellpeper	Witek
Chambers	Haberman	Lynch	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 1:

Robinson

Excused and not voting, 3:

Jones Rasmussen Robak

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 878. With Emergency.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,120.01, Revised Statutes Supplement, 1993; to revise the power of credit unions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Coordsen	Hall	McKenzie	Vrtiska
Ashford	Crosby	Hartnett	Monen	Warner
Avery	Cudaback	Hillman	Moore	Wehrbein
Bernard-Stevens	Day	Hudkins	Pedersen	Wesely
	Dierks	Janssen	Pirsch	Wickersham
Beutler	Elmer	Kristensen	Robinson	Will
Bohlke	Engel	Landis	Schellpeper	Witek
Byars	Fisher	Lindsay	Schimek	Withem
Chambers	Haberman	Matzke	Schmitt	

Voting in the negative, 0.

Present and not voting, 3:

Bromm	Lynch	Preister

Excused and not voting, 3:

Jones	Rasmussen	Robak

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Introduce New Bills

Mr. Abboud renewed his pending motion, found in the Journal on page 1053, for the introduction of new bills by the Business and Labor Committee, Requests 2106 and 2107.

The motion prevailed with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1363. Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Bromm, 23; Chambers, 11; Dierks, 40; Preister, 5; Schimek, 27; Vrtiska, 1.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

LEGISLATIVE BILL 1364. Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Bromm, 23; Chambers, 11; Dierks, 40; Preister, 5; Schimek, 27; Vrtiska, 1.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize certain write-offs as prescribed; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 984. Mr. Hall withdrew his amendments, AM3540 and AM3543, found in the Journal on page 1023, to the Standing Committee amendment.

Mr. Hall renewed his pending amendment, AM3542, found in the Journal on page 1023, to the Standing Committee amendment.

MR. LANDIS PRESIDING

SPEAKER WITHEM PRESIDING

The Hall amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall renewed his pending amendment, AM3541, found in the Journal on page 1023, to the Standing Committee amendment.

PRESIDENT ROBAK PRESIDING

Mr. Vrtiska moved the previous question. The question is, "Shall the debate now close?"

Mr. Vrtiska moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Lindsay requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 16:

Abboud	Engel	Landis	Robinson	Warner
Crosby	Fisher	Matzke	Schmitt	Wehrbein
Cudaback	Kristensen	Moore	Vrtiska	Witek
Elmer				

Voting in the negative, 15:

Bernard-Stevens	Chambers	Lynch	Rasmussen	Wickersham
Beutler	Day	Pedersen	Schimek	Will
Bohlke	Lindsay	Pirsch	Wesely	Withem

Present and not voting, 16:

Ashford	Coordsen	Hall	Hudkins	Monen
Avery	Dierks	Hartnett	Janssen	Preister
Bromm	Haberman	Hillman	McKenzie	Schellpeper
Byars				

Excused and not voting, 2:

Jones	Robak

The motion to cease debate lost with 16 ayes, 15 nays, 16 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?" The motion lost with 9 ayes, 5 nays, and 35 not voting.

Mrs. Hillman and Mr. Elmer asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hall moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Hall requested a roll call vote on his amendment, AM3541, to the Standing Committee amendment.

Voting in the affirmative, 17:

Abboud	Beutler	Hartnett	Pedersen	Wesely
Avery	Chambers	Landis	Rasmussen	Will
Bernard-Stevens	Haberman	Lindsay	Schimek	Withem
	Hall	Lynch		

Voting in the negative, 22:

Ashford	Cudaback	Hudkins	Matzke	Schmitt
Bohlke	Dierks	Janssen	Moore	Vrtiska
Bromm	Engel	Jones	Pirsch	Warner
Byars	Fisher	Kristensen	Robinson	Wehrbein

Wickersham Witek

Present and not voting, 6:

Coordsen Day McKenzie Monen Schellpeper Crosby

Absent and not voting, 1:

Preister

Excused and not voting, 3:

Elmer Hillman Robak

The Hall amendment lost with 17 ayes, 22 nays, 6 present and not voting, 1 absent and not voting, and 3 excused and not voting.

Pending.

The Chair declared the call raised.

ATTORNEY GENERAL'S OPINION

Opinion No. 94012

DATE: March 8, 1994

SUBJECT: Constitutionality of Proposed Amendment to LB 1266; Whether the Enforcement of Rules and Regulations Restricting Students From Participation in Certain Non-School Activities as a Requirement for Participation in School Activities Violates the Rights of Student Athletes.

REQUESTED BY: Senator Janis McKenzie
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Lauren L. Hill, Assistant Attorney General

Current Law

Under current law, the Nebraska School Activities Association {"NSAA" or "Association"}, a private organization comprised of public and private Nebraska schools, regulates participation in certain school activities for students in grades nine through twelve. "All {school} districts in Nebraska which operate high schools are members voluntarily. They have relegated to the Association extensive control over the interschool sports {and extra-curricular} activities and are

limited in their athletic {and extra-curricular} programs by the rules of the Association." Reed v. Nebraska School Activities Ass'n, 341 F. Supp. 258, 261 (1972). Any student whose school is a member of the Association is bound by the NSAA regulations. Although it has the power to do so pursuant to Neb. Rev. Stat. § 79-328 (Cum. Supp. 1992), the Nebraska State Board of Education {"State Board"} does not presently regulate participation in activities by secondary school students nor does the Board review the rules adopted by the NSAA. The only regulation of student activities promulgated under the Board's authority is found in 92 NAC 10 (1993). Under that rule, the Board has set forth certain restrictions on athletic contests for all seventh and eighth grade students and for pupils in kindergarten through sixth grade. See 92 NAC 51, § 004.02B4.

LB 1266

As introduced, LB 1266 would recognize the NSAA "as an unincorporated association of public and private schools . . . that controls the organization of school activities for the ninth through twelfth grades of school districts throughout Nebraska." The bill also provides that all NSAA rules and regulations would be subject to mandatory review by the State Board of Education and that the State Board could modify or reject any NSAA regulation which "violates the civil rights of any person affected, violates rules and regulations of the board, or is against public policy." LB 1266, § 2. The legislation would also require that "{a}ll proceedings of the association which may result in the imposition by the association of a penalty or restriction of a student or school's participation in school or private activities shall be subject to the requirements of due process of law." Finally, LB 1266 would prevent the NSAA from restricting any student's participation in non-school activities as a requirement for participation in school activities.

You have indicated that "{a}n amendment to LB 1266 has been proposed to dissolve the Nebraska School Activities Association by placing its organizational responsibilities, its current rules and regulations, within the domain of the Nebraska Department of Education. In doing so the rules and regulations provided by the NSAA shall not be reviewed by the Department, as is currently provided in LB 1266, but shall be enforced by the Department of Education." (Emphasis in original.)

You have posed the following question: does enforcement of a regulation which places as a condition to a student's eligibility for participation in a school-sponsored activity the requirement that he or she not participate in an activity conducted outside of school violate the student's rights. As we have noted on previous occasions, a general question on the constitutionality of proposed legislation will necessarily result in a general response from this office. See Op. Att'y Gen. No. 85-157 (December 20, 1985). If we are to address specific questions or potential problems with a bill, they must be set out in the opinion request. Your inquiry is simply whether the proposed amendment to LB 1266 would violate the rights of student athletes. We must,

therefore, provide a general response to your question in the absence of any description of your specific concerns.

Discussion

Clearly, enforcement of the current NSAA rules by the Nebraska Department of Education would be deemed as "state action," invoking the protections of the U.S. Constitution's fourteenth amendment which provides that "{n}o state shall . . . deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law." Therefore, we initially find three potential constitutional challenges to enforcement of the "outside competition" rule by the Nebraska Department of Education.

1. Due Process Challenge.

First, a student athlete could assert that the rule violates his or her right to due process of law. In a similar challenge raised by five student athletes enrolled in various Colorado public high schools against the Colorado High School Activities Association, the Court of Appeals affirmed a lower court's determination that "there is no constitutionally protected right to participate in interscholastic athletics; rather, such participation is a mere expectation." Zuments v. Colorado H. S. Activities Ass'n, 737 P.2d 1113, 1115 (1987). The determination that "a student has no constitutional right to participate in interscholastic athletics" was also reached by the Indiana Supreme Court in Haas v. South Bend Community School Corp., 259 Ind. 515, 521, 289 N.E.2d 495, 498. The Nebraska Supreme Court has never addressed this issue. The court would, however, review any challenge to a statute under the due process clause of the U.S. Constitution, based upon the rule that "{u}nless {the provisions} 'create suspect classifications or impinge upon constitutionally protected rights' . . . it need only be shown that they bear 'some rational relationship to a legitimate state purpose.'" Robotham v. State, 241 Neb. 379, 382-83, 488 N.W.2d 533, 538 (1992) (quoting Dallas v. Stanglin, 490 U.S. 19, 23, 109 S.Ct. 1591, 1594 (1989)). Other state courts examining this issue have concluded that an "outside competition" rule serves legitimate state interests in "elevat{ing} academic endeavors over athletics," Indiana High School Athletic Ass'n, Inc. v. Schafer, 598 N.E.2d 540, 551 (1992), and in

> 1) assuring fairness to other students who may wish to participate on the school team, 2) providing balance between school teams, 3) providing balance with respect to the individual student's participation in athletics, and 4) ensuring that student athletes do not endanger their well-being by over-extensive athletic competition and stress.

Zuments, 737 P.2d at 1115.

Should the Nebraska Supreme Court adopt this reasoning, then it would have to assess whether the "outside competition" rule rationally furthers such interests. If so, then the rule would not violate a student athlete's due process rights.

2. Equal Protection Challenge.

The second challenge that would likely be raised by the enforcement of an "outside competition" rule by the Department of Education would be that such a provision violates the equal protection guarantees contained in the state and federal constitutions.

Our supreme court has determined that under a challenge based upon the equal protection clause of the U.S. Constitution, the provision will be upheld so long as the classification which has been established is rationally related to a legitimate state interest. Robotham at 385, 488 N.W.2d at 539. "The Nebraska Constitution has identical requirements." Id. There are two narrow exceptions to this standard of review which are not applicable here and which will not be discussed. See id. The equal protection analysis would therefore be similar to that set forth above in subdivision 1.

3. The Freedom of Association Challenge.

The third challenge to enforcement of an "outside competition" rule by the Department of Education would likely arise from a student's assertion that such a rule violates his or her right to "freedom of association." The U.S. Supreme Court has determined that the right to freedom of association is a penumbral right under the U.S. Constitution's first amendment. See NAACP v. Alabama, 357 U.S. 449, 78 S.Ct. 1163 (1958). Since a fundamental right is implicated, any state action having the effect of curtailing a student's freedom to associate would be subjected to strict scrutiny. Under this standard, the end which is sought to be accomplished must be a compelling state interest and the means employed by the rule "must be such that no less restrictive alternative exists." State v. Michalski, 221 Neb. 380, 385, 377 N.W.2d 510, 515 (1985).

Examining a challenge raised by students on this basis, one state court determined that the students' free association rights were not implicated by an "outside competition" rule. Zuments, 737 P.2d at 1115. The rule analyzed by the court provided that "{p}layers certified to participate as members of any high school sport may not compete on any other team, nor in any non-school activity or event in that sport during that sport's season. . . ." Id. at 1114. The court reasoned that under the rule

> all students are free to compete, or otherwise participate in any or all non-school events. Rather than impinging upon their right of free association, the rule merely delineates under what terms and conditions they may participate in interscholastic athletics.

Id. at 1115.

Thus, the court concluded that "there is no freedom of association issue here." Id. Affirming this conclusion, an appellate court determined that "{t}he rule merely requires that during a high school sport's season, students must choose between competing on their school team or competing on non-school teams." Id. at 1116. The court did not find such a choice to place an impermissible burden on the students' freedom of association right. Id.

In responding to your inquiry, we have sought to suggest the obvious challenges which could arise under the proposed amendment to

LB 1266. We do not consider our opinion to be an exhaustive analysis of other potential challenges to enforcement of an "outside competition" rule by the Department of Education. Finally, we note that the decisions of other state courts discussed herein would merely be persuasive, and not binding, upon the Nebraska Supreme Court.

Respectfully submitted,
DON STENBERG
Attorney General
(Signed) Lauren L. Hill
Assistant Attorney General

24-10-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 1258. Placed on General File as amended.
Standing Committee amendment to LB 1258:
AM3648

1. On page 2, line 3, strike "or volunteer of the district" and insert "retired employee, or volunteer of the district, member of a senior citizens group, or city official"; and in line 4 strike beginning with "official" through "volunteer" and insert "recipient of the pass".

(Signed) Ardyce Bohlke, Chairperson

NOTICE OF COMMITTEE HEARING
Judiciary

Governor Appointment Thursday, March 17, 1994 1:15 p.m.
Manuel S. Gallardo - Parole Board

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hartnett asked unanimous consent to print the following amendment to LB 1139 in the Journal. No objections. So ordered.

AM3607

(Amendments to E & R Amendments, AM5685)

1. On page 5, line 26, strike "public political entity" and insert "political subdivision".
2. On page 13, line 9, strike "improvements" and insert "system, improvement, or extension".
3. On page 15, lines 13 and 17, after "county"

insert "board".

4. On page 16, line 4, strike beginning with "county" through "a"; in line 6 strike "which"; and in line 17 after "county" insert "board".

5. On page 18, line 17, after "fund" insert "except as provided in section 25 of this act".

6. On page 24, line 20; page 25, lines 2 and 5; and page 26, lines 9 and 16, strike "delineates" and insert "adopts a map designating and delineating".

Mr. Dierks asked unanimous consent to print the following amendment to LB 819 in the Journal. No objections. So ordered.

AM3608

(Amendments to E & R amendments, AM5639)

1. On page 2, strike beginning with "The" in line 3 through the period in line 5 and insert "All sites providing such services pursuant to a contract with the department shall provide services on an anonymous basis if so requested by the individual seeking such services.".

2. On page 6, line 7, after "71-513" insert "or section 5 of this act or sections 7 to 11 of this act"; and in line 25 strike "given" and insert "give".

3. On page 8, line 2, after "purposes" insert ", written information about the human immunodeficiency virus is provided, including, but not limited to, the identification and reduction of risks, the person is informed of the result of such test, and when the result is positive, the person is referred for posttest counseling".

4. On page 9, line 13, after "(2)" insert "Infectious disease or condition shall mean hepatitis B, meningococcal meningitis, active pulmonary tuberculosis, human immunodeficiency virus, and such other diseases as the Department of Health may from time to time specify;

(3)"; in line 15 strike "(3)" and insert "(4)"; and in line 18 strike "(4)" and insert "(5)".

5. On page 10, line 12, after the period insert "If an available sample of blood or other body fluid is tested without consent, the patient or patient's next of kin or legal guardian shall be notified that the available sample is being tested and informed of the purpose of the test and test results. If the human immunodeficiency virus test result is positive, the health care provider or provider agency shall refer the patient for posttest counseling."; and after line 22 insert the following new subsection:

"(3) Routine drawing of a sample of blood or other body fluid for the purpose of testing for infectious disease or conditions without obtaining consent shall be prohibited.".

6. On page 11, line 1, strike "sections 71-503.01

and 71-2017" and insert "section 71-503.01"; in lines 3 and 5 strike "sections" and insert "section"; and in line 15 after the period insert "All records regarding any tests made as a result of a significant exposure of a health care provider to blood or other body fluid shall be kept only for the purpose of medical surveillance of an occupational risk of the health care provider.".

Mr. Will asked unanimous consent to print the following amendment to LB 489 in the Journal. No objections. So ordered.

AM3647

(Amendments to Standing Committee amendment, AM0797)

1. Insert the folllowing new amendment:

"2. Insert the following new section:

'Sec. 4. This act shall become operative on October 1, 1994.'.".

2. Renumber the remaining amendments accordingly.

Mr. Lindsay asked unanimous consent to print the following amendment to LB 972 in the Journal. No objections. So ordered.

AM3657

1. Strike original section 1 and all amendments thereto and insert the following new section:

"Section 1. That section 76-214, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-214. Every grantee who has a deed to real estate recorded, which deed was executed after July 21, 1965, shall at the time such deed is presented for recording file with the register of deeds a completed statement as prescribed by the Tax Commissioner. ~~For all deeds executed and recorded after January 1, 1986, the statement shall contain the social security number of the grantee, if living, or the federal employer identification number of the grantee.~~ This statement may require the recitation of any information contained in the deed, the total consideration paid, the amount of the total consideration attributable to factors other than the purchase of the real estate itself, and other factors which may influence the transaction. This statement shall be signed and filed by the grantee or his or her authorized agent. If the grantee fails to furnish such statement, the register of deeds shall not record the deed. The register of deeds shall indicate on the statement the book and page or computer system reference where the deed is recorded and shall immediately forward the statement to the county assessor. The county assessor shall process the statement according to the instructions of the Tax Commissioner and shall, when directed, forward the statement to the Tax Commissioner. This statement

and the information contained therein shall be confidential and available to tax officials and registered, licensed, or certified real estate appraisers only.".

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 988A in the Journal. No objections. So ordered.

AM3592

1. Strike the original sections and insert the following new sections:

"Section 1. That Laws 1993, LB 541, section 138, be amended to read as follows:

Sec. 138. AGENCY NO. 46 -- DEPARTMENT OF CORRECTIONAL SERVICES

Program No. 360 - Operations

	FY1993-94	FY1994-95
~~GENERAL FUND~~	~~61,341,369~~	~~62,085,826~~
~~CASH FUND~~	~~681,868~~	~~680,568~~
~~FEDERAL FUND est.~~	~~636,587~~	~~632,910~~
~~REVOLVING FUND est.~~	~~5,686,003~~	~~5,809,179~~
~~PROGRAM TOTAL~~	~~68,345,827~~	~~69,208,483~~
~~SALARY LIMIT~~	~~36,807,883~~	~~37,964,084~~
GENERAL FUND	61,341,369	-0-
CASH FUND	681,868	-0-
FEDERAL FUND est.	636,587	-0-
REVOLVING FUND est.	5,686,003	-0-
PROGRAM TOTAL	68,345,827	-0-
SALARY LIMIT	36,807,883	-0-

The salary limitations provided by this section do not include Revolving Fund salaries. There are no salary limitations for Revolving Fund program classifications 390 and 563.

The Department of Administrative Services shall monitor appropriations and expenditures for this program for FY1993-94 according to the following program classifications:

No. 364 - Juvenile Parole Administration
No. 368 - Lincoln Community Corrections Center
No. 369 - Omaha Community Corrections Center
No. 370 - Central Office
No. 371 - Youth Development Center-Geneva
No. 372 - Nebraska State Penitentiary
No. 373 - Nebraska Center for Women - York
No. 374 - Youth Development Center-Kearney
No. 376 - Lincoln Correctional Center
No. 377 - Omaha Correctional Center
No. 378 - Hastings Correctional Center
No. 383 - Lincoln Treatment Facility
No. 389 - Adult Parole Administration
No. 390 - Federal Surplus Property

No. 563 - Correctional Industries

Revolving Fund expenditures shall not be limited to the amounts shown.

The unexpended General Fund balance existing on June 30, 1993, is hereby reappropriated.

It is intended that the Department of Correctional Services shall maintain a Department Contingency Fund and a Department Equipment Fund.

The Department of Correctional Services may transfer sufficient appropriations and salary limitations from Program No. 360 to Program No. 250 for FY1994-95 to cover prior fiscal year obligations.

Sec. 2. There is hereby appropriated $383,000 from the General Fund for FY1993-94 to the Department of Correctional Services, for Program 315, for staffing and operations of the Office of Juvenile Services.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $247,178 for FY1993-94.

The unexpended General Fund balance existing on June 30, 1994, is hereby reappropriated to Program No. 250, Juvenile Services Operations, for FY1994-95.

The unexpended salary limitation balance existing on June 30, 1994, is hereby reappropriated to Program No. 250, Juvenile Services Operations, for FY1994-95.

Sec. 3. There is hereby appropriated $7,011,174 from the General Fund, $104,698 from Cash Funds, and an estimated $628,715 from Federal Funds for FY1994-95 to the Department of Correctional Services, for Program No. 250, Juvenile Services Operations, to aid in carrying out the provisions of Legislative Bill 988, Ninety-third Legislature, Second Session, 1994.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $5,133,088 for FY1994-95.

The Department of Administrative Services shall monitor appropriations and expenditures for this program for FY1994-95 according to the following program classifications:

No. 315 - Office of Juvenile Services

No. 364 - Juvenile Parole Administration

No. 367 - Secure Youth Confinement Facility

No. 371 - Youth Rehabilitation and Treatment Center-Geneva

No. 374 - Youth Rehabilitation and Treatment Center-Kearney

It is intended that the Department of Correctional Services shall maintain a Juvenile Services Contingency Fund and a Juvenile Services Equipment Fund.

Sec. 4. There is hereby appropriated (1)

$55,074,652 from the General Fund, $575,870 from Cash Funds, an estimated $4,195 from Federal Funds, and an estimated $5,809,179 from Revolving Funds for FY1994-95 to the Department of Correctional Services, for Program No. 360, to aid in carrying out the provisions of Legislative Bill 988, Ninety-third Legislature, Second Session, 1994.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $32,830,996 for FY1994-95.

The salary limitations provided by this section do not include Revolving Fund salaries. There are no salary limitations for Revolving Fund program classifications 390 and 563.

The Department of Administrative Services shall monitor appropriations and expenditures for this program for FY1994-95 according to the following program classifications:

No. 368 - Lincoln Community Corrections Center
No. 369 - Omaha Community Corrections Center
No. 370 - Central Office
No. 372 - Nebraska State Penitentiary
No. 373 - Nebraska Center for Women-York
No. 375 - Diagnostic and Evaluation Center
No. 376 - Lincoln Correctional Center
No. 377 - Omaha Correctional Center
No. 378 - Hastings Correctional Center
No. 383 - Lincoln Treatment Facility
No. 389 - Adult Parole Administration
No. 390 - Federal Surplus Property
No. 563 - Correctional Industries

Revolving Fund expenditures shall not be limited to the amounts shown.

It is intended that the Department of Correctional Services shall maintain an Adult Services Contingency Fund and an Adult Services Equipment Fund.

Sec. 5. There is hereby appropriated $560,000 from the State Building Fund for FY1994-95 to the Office of Juvenile Services within the Department of Correctional Services, for Program 905, for planning and design development for a secure youth confinement facility. There is hereby appropriated $4,189,242 from the State Building Fund for FY1995-96 to the Office of Juvenile Services within the Department of Correctional Services, for Program 905, to begin construction of a secure youth confinement facility. The total project cost shall not exceed $8,938,484.

Sec. 6. There is hereby appropriated (1) $25,000 from the General Fund for FY1993-94 and (2) $25,000 from the General Fund for FY1994-95 to the Nebraska Commission on Law Enforcement and Criminal Justice, for Program 198, for public service announcements regarding state juvenile justice policy.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 7. That original Laws 1993, LB 541, section 138, and also Laws 1993, LB 627A, section 1, are repealed.

Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Ms. Schimek and Mr. Lindsay asked unanimous consent to print the following amendment to LB 903 in the Journal. No objections. So ordered.

AM3631

(Amendments to Standing Committee amendments, AM2834)

1. Insert the following new section:

"Sec. 3. That section 24-803, Revised Statutes Supplement, 1992, be amended to read as follows:

24-803. (1) ~~As~~ Except as provided in subsection (3) of this section, as the term of a member of a judicial nominating commission initially appointed or selected expires, the term of office of each successor member shall be for a period of four years. The Governor shall appoint all successor members of each nominating commission who are judges of the Supreme Court and citizen members. The Governor shall, each second year, appoint two alternate citizen members. The term of office of an alternate citizen member of a commission shall be for a period of four years. The lawyers residing in the judicial district or area of the state served by a judicial nominating commission shall select all successor and alternate lawyer members of such commission in the manner prescribed in section 24-806. The term of office of an alternate lawyer member of a commission shall be for a period of ~~two~~ four years. No member of any nominating commission, including the Supreme Court member of any such commission, shall serve more than a total of eight consecutive years as a member of the commission, and if such member has served for more than six years as a member of the commission, he or she shall not be eligible for reelection or reappointment. Alternate lawyer and citizen members shall be selected to fill vacancies in their order of election or appointment.

(2) For purposes of this section and Article V, section 21, of the Constitution of Nebraska, a member of a judicial nominating commission shall be deemed to have served on such commission if he or she was a member of the commission at the time of the publication of the notice required by subsection (5) of section 24-810.

(3) On and after the effective date of this act, the judicial nominating commissions for the office of judge of the

district court shall serve as the judicial nominating commissions for the office of judge of the county court for counties located within the district court judicial districts served, except that county court districts 1, 3, 4, and 10 shall each have a judicial nominating commission.".

2. On page 4, line 19, after "original" insert "section 24-803, Revised Statutes Supplement, 1992, and".

3. Renumber the remaining sections accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 984 in the Journal. No objections. So ordered.

AM3664

(Amendments to Standing Committee amendments, AM3408)

1. On page 3, line 5, strike "January" through "October" and insert "month"; in line 15 strike "quarterly"; and strike beginning with "quarter" in line 16 through "31" in line 17 and insert "month".

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 877, 1025, 621, 874, 895, 899, 918, 925, 938, 948, 964, 977, 978, 1004, 1004A, 1021, 876, and 878.

VISITORS

Visitors to the Chamber were 25 seniors and sponsor from Nebraska Christian School, Central City; Senator Matzke's daughter, Jane Christoffersen, and grandchildren, Jack and Lee, from Littleton, Colorado; Senator Ron Salee and Representatives Carl Holmes and Laura McClure from the Kansas Legislature; and Senator Pedersen's wife, Priscilla, daughter, Mickala, and granddaughter, Chalie Marie.

RECESS

At 12:04 p.m., on a motion by Mr. Will, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mrs. Crosby presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Robak who was excused; and Messrs. Avery, Bromm, Dierks, Engel, Hall,

Kristensen, Lindsay, Schmitt, Warner, Mmes. Bohlke, McKenzie, Rasmussen, and Ms. Day who were excused until they arrive.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 10, 1994, at 1:30 p.m., were the following bills: 877, 1025, 621, 874, 895, 899, 918, 925, 938, 948, 964, 1004, 1004A, 978, 977, 1021, 878, and 876.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1066. Placed on Select File as amended.
E & R amendment to LB 1066:
AM5693

1. On page 2, line 13, strike "and"; and in line 16 after "1992" insert "; and to declare an emergency".
2. On page 69, lines 21 through 24, reinstate the stricken matter; and in line 22 strike "The".
3. On page 70, line 6, reinstate the stricken matter and strike the new matter.

LEGISLATIVE BILL 1127. Placed on Select File as amended.
E & R amendment to LB 1127:
AM5687

1. On page 1, strike beginning with "14-101," in line 1 through "17-201," in line 2; and in line 6 strike "and" and after "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 957. Placed on Select File as amended.
E & R amendment to LB 957:
AM5688

1. On page 1, line 8, after "to" insert "change provisions relating to and".
2. On page 2, strike beginning with "Chapter" in line 1 through the last comma in line 2 and insert "the Nebraska Professional Corporation Act or the Public Accountancy Act of 1957".
3. On page 3, line 8, strike "license" and insert "licenses"; and in line 9 strike the comma.
4. On page 4, lines 2 and 8; and page 5, line 10, strike "thereof" and show as stricken.
5. On page 4, line 22; and page 5, line 27, after "given" insert "to".

LEGISLATIVE BILL 1074. Placed on Select File as amended.

E & R amendment to LB 1074:
AM5689

1. On page 1, line 13, strike "operative dates" and insert "an operative date".

2. On page 7, line 25, strike "is then" and insert "shall then be".

3. On page 8, line 3, strike "has" and insert "shall have"; and in line 23 after "insurer" insert an underscored comma.

LEGISLATIVE BILL 1074A. Placed on Select File.

LEGISLATIVE BILL 1311. Placed on Select File as amended.
E & R amendment to LB 1311:
AM5690

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 79-490, Revised Statutes Supplement, 1993, be amended to read as follows:

79-490. ~~When no other means of free transportation is provided to a student attending a public school,~~ (1) The school board or board of education shall either provide free transportation or pay an allowance for transportation ~~shall be made to the family of such student by the district in which such family resides~~ in lieu of free transportation as follows:

~~(1)~~ (a) When a student attends an elementary school in his or her own district and lives more than four miles from the public schoolhouse in such district; ~~, there shall be paid two hundred eighty-five percent of the mileage rate provided in section 81-1176 for each mile actually and necessarily traveled on each day of attendance by which the distance traveled one way from the residence of such student to the schoolhouse exceeds three miles;~~

~~(2)~~ (b) When a student is required to attend an elementary school outside of his or her own district and lives more than four miles from such elementary school; ~~, there shall be paid two hundred eighty-five percent of the mileage rate provided in section 81-1176 for each mile actually and necessarily traveled on each day of attendance by which the distance traveled one way from the residence of such student to the schoolhouse exceeds three miles;~~

~~(3)~~ (c) When a student attends a secondary school in his or her own Class II or III school district and lives more than four miles from the public schoolhouse; and ~~, there shall be paid two hundred eighty-five percent of the mileage rate provided in section 81-1176 for each mile actually and necessarily traveled on each day of attendance by which the distance traveled one way from the residence of such student to the schoolhouse exceeds three miles; and~~

~~(4)~~ (d) When a student, other than a student in grades ten through twelve in a Class V district, attends an elementary or junior high school in his or her own Class V district and lives more than four miles from the public schoolhouse in such district.

(2) The transportation allowance which may be paid to the parent, custodial parent, or guardian of students qualifying for free transportation pursuant to subsection (1) of this section shall equal two hundred eight-five percent of the mileage rate provided in section 81-1176, multiplied by each mile actually and necessarily traveled, on each day of attendance, beyond which the one-way distance from the residence of the student to the schoolhouse exceeds three miles. ~~, there shall be paid for each day of attendance two hundred eighty-five percent of the mileage rate provided in section 81-1176 for each mile actually and necessarily traveled by which the distance of the residence of such student from the schoolhouse exceeds three miles.~~

(3) Whenever students from more than one family travel to school in the same vehicle, the transportation allowance prescribed in subsection (2) of this section shall be payable as follows:

(a) To the parent, custodial parent, or guardian providing transportation for students from other families, one hundred percent of the amount prescribed in subsection (2) of this section for the transportation of students of such parent's, custodial parent's, or guardian's own family and an additional five percent for students of each other family not to exceed a maximum of one hundred twenty-five percent of the amount determined pursuant to subsection (2) of this section; and

(b) To the parent, custodial parent, or guardian not providing transportation for students of other families, two hundred eighty-five percent of the mileage rate provided in section 81-1176 multiplied by each mile actually and necessarily traveled, on each day of attendance, from the residence of the student to the pick-up point at which students transfer to the vehicle of a parent, custodial parent, or guardian described in subdivision (a) of this subsection.

(4) The school board may authorize school-provided transportation to any student who does not qualify under the mileage requirements of ~~subdivisions (1) through (4)~~ subsection (1) of this section~~, but a fee may be charged~~ and may charge a fee to the parent or guardian of the student for such service. An affiliated high school district may provide free transportation or pay the allowance described in this section for high school students residing in an affiliated Class I district. No transportation payments shall be made to

a family for mileage not actually traveled by such family. The number of days the student has attended school shall be reported monthly by the teacher to the school board of such public school district.

(5) No more than one allowance shall be made to a family irrespective of the number of students in a family being transported to school. If a family resides in a Class I district which is part of a Class VI district and has students enrolled in any grade of grades kindergarten through six in the Class I district and in any grade of grades seven and eight in the Class VI district, such family shall receive not more than one allowance for the distance actually traveled when both districts are on the same direct travel route with one district being located a greater distance from the residence than the other. In such cases, the travel allowance shall be prorated among the school districts involved. Unless the parties involved can mutually agree, the county superintendent of the district in which the school attended is located shall determine the pro rata share to be paid by each district. In the event the schools attended are in different counties, the respective county superintendents shall determine the proper pro rata amount each district shall pay.

No student shall be exempt from school attendance on account of distance from the public schoolhouse.

Sec. 2. That original section 79-490, Revised Statutes Supplement, 1993, is repealed.".

LEGISLATIVE BILL 1306. Placed on Select File as amended.
E & R amendment to LB 1306:
AM5691

1. On page 1, line 3, strike "and" and after the last comma insert "and 84-1503,"; and in line 8 strike "and" and after "compensation" insert ", and transfers to fund studies".

LEGISLATIVE BILL 1306A. Placed on Select File.
LEGISLATIVE BILL 1083. Placed on Select File.

LEGISLATIVE BILL 1101. Placed on Select File as amended.
E & R amendment to LB 1101:
AM5692

1. On page 6, line 12, after the comma insert "this", strike the new matter and insert "(i)", and strike "of this section" and show as stricken.

(Signed) Janis M. McKenzie, Chairperson

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 1205. Indefinitely postponed.
LEGISLATIVE BILL 1218. Indefinitely postponed.
LEGISLATIVE BILL 1260. Indefinitely postponed.
LEGISLATIVE BILL 1282. Indefinitely postponed.

(Signed) Doug Kristensen, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 915 in the Journal. No objections. So ordered.

AM3665

1. On page 2, line 27, strike the first "or", show as stricken, and insert an underscored comma.

2. On page 3, line 5, before the period insert ", or (3) to sell, service, or lease C-band satellite dish systems or repair parts".

GENERAL FILE

LEGISLATIVE BILL 991. Title read. Considered.

Standing Committee amendment, AM3400, printed separately from the Journal and referred to on page 1033, was considered.

Messrs. Will and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

MR. LINDSAY PRESIDING

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Moore offered the following amendment:
AM3624

1. On page 41, line 28, strike "16,948,384" and insert "17,421,436".

2. On page 42, line 4, strike "18,218,019" and insert "18,691,071"; and strike line 5, show as stricken, and insert "SALARY LIMIT 10,878,279 11,140,642".

MRS. CROSBY PRESIDING

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

The Moore amendment was adopted with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 884 in the Journal. No objections. So ordered.

AM3663

(Amendments to AM3422)

1. On page 7, line 1, strike "The" and insert "Until January 1, 1995, the"; and in line 2 after the period insert "On and after January 1, 1995, the State Treasurer shall credit two-thirds of the fees to the General Fund and one-third of the fees to the Corporation Cash Fund.".

Mr. Lynch and Mrs. Hudkins asked unanimous consent to print the following amendment to LB 991 in the Journal. No objections. So ordered.

AM3659

1. Insert the following new section:

"Sec. 8. AGENCY NO. 46 -- DEPARTMENT OF CORRECTIONAL SERVICES

Program No. 360 - Operations

	FY1993-94	FY1994-95
GENERAL FUND	-0-	595,382
PROGRAM TOTAL	-0-	595,382

There is included in the appropriation to this program for FY1994-95 $545,382 General Funds to be used for twenty-one additional security positions, which shall only be used for such purpose. There is included in the appropriation to this program for FY1994-95 $50,000 General Funds to be used for security-related equipment purchases, which shall only be used for such purpose.".

2. Renumber the remaining sections accordingly.

Messrs. Wickersham and Engel asked unanimous consent to print the following amendment to LB 902 in the Journal. No objections. So ordered.

AM3595

1. Insert the following new sections:

"Sec. 17. That section 77-1362, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1362. (1) An agricultural land valuation manual shall be developed by the Tax Commissioner using the following method to determine actual value of agricultural land and horticultural land for taxable years beginning on or after January 1, 1986. Except as otherwise provided in subsection (4) of section 77-1364, the actual value of agricultural land and horticultural land shall be determined by: (a) Dividing agricultural land and horticultural land into ~~major use~~ categories and such categories into subclasses based on soil classifications; (b) computing a typical income stream based on historical gross receipts and landowner share determined using the method described in section 77-1364; and (c) dividing the derived income stream by a capitalization rate determined using the method described in section 77-1365. All data used to determine actual value of agricultural land and horticultural land shall be that data available on January 1 of the year prior to the year of assessment.

(2) The agricultural land valuation manual shall contain allowances to adjust actual values for irrigation costs and land productivity cost variations. Adjustments shall be based on empirical data and apply to areas with uniform characteristics which are within or which cross county lines. Upon written application to and approval from the Tax Commissioner a county assessor may apply such adjustments to specific parcels of agricultural land and horticultural land. The provisions of this subsection shall be strictly construed to maintain the concept of statewide mass appraisal of agricultural land and horticultural land.

(3) The Tax Commissioner may adjust the value of a class or subclass of agricultural land and horticultural land, as determined pursuant to subsection (1) of this section, so as to secure the uniform and proportionate valuation of the class or subclass of agricultural land and horticultural land between adjoining counties.

(4) The Tax Commissioner may recognize geographic differences that exist within the county and issue separate values for a class or subclass of agricultural land and horticultural land for those distinct areas in the county.

Sec. 18. That section 77-1363, Revised Statutes Supplement, 1992, be amended to read as follows:

77-1363. Agricultural land and horticultural land shall be divided into ~~four major~~ categories, including, but not limited to, irrigated cropland, dryland cropland, grassland, ~~and~~ wasteland, ~~. Intensive agricultural uses, such as~~ nurseries, feedlots, and orchards, ~~shall be categorized~~ so that the categories reflect uses appropriate for the valuation of such land according to law. Categories ~~as either irrigated~~

~~cropland or dryland cropland. Such categories~~ shall be divided into subclasses based on soil classification standards developed by the United States Department of Agriculture Soil Conservation Service. Land enrolled in a federal or state program in which payments are received for removing such land from agricultural or horticultural production shall be classified according to its actual value as determined in section 77-1360.01. County assessors shall utilize and implement soil surveys in the tax year after the soil survey maps become available. County assessors shall utilize and implement soil classifications as converted into land valuation groups provided by the Tax Commissioner.

Sec. 19. That section 77-1364, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1364. (1) Income streams for ~~irrigated and dryland~~ cropland shall be computed by multiplying gross receipts by landowner share by county. Gross receipts shall be computed by multiplying the most recent five-year average price of a crop by the most recent five-year average yield of a crop and weighting the result by the most recent five-year average cropping pattern. The cropping pattern shall, as data is available, include, but not be limited to, the following crops: Continuous cropland wheat; summer fallow wheat; corn for grain; dry beans; sorghum for grain; sugar beets; soybeans for beans; oats; and alfalfa. The source of cropping patterns, crop yields by county, and crop prices by crop reporting district shall be as reported by the Nebraska Crop and Livestock Reporting Service or as published by other state or federal agencies and as selected and applied by the Tax Commissioner.

For purposes of this section, landowner share shall mean the proportion of the gross receipts less landowner expenses paid by the landowner. Landowner share shall be computed based on representative leasing arrangements as determined from surveys conducted or authorized by the Department of Revenue or as published by other state or federal agencies and as selected and applied by the Tax Commissioner. Landowner share shall be derived at least at each crop reporting district for each of the following: (a) Gravity irrigated cropland; (b) center pivot irrigated cropland; and (c) dryland cropland.

(2)(a) Income streams for ~~rangeland and pastureland and, for assessment year 1990 and each year thereafter,~~ grassland shall be computed as follows: (i) By multiplying the carrying capacity in terms of animal-unit months by representative rental value per animal-unit month; or (ii) by forage production less landowner expenses paid by the landowner. Carrying capacity and forage production, by subclass, shall be based on productivity estimates published

by the United States Soil Conservation Service or other state or federal agencies and as selected and applied by the Tax Commissioner. Rental values per animal-unit month shall be based on the most recent five-year average published by the Department of Agricultural Economics of the University of Nebraska or other state or federal agencies or developed from surveys performed by or for the Department of Revenue. Landowner expenses shall be computed based on representative leasing arrangements as determined from surveys conducted or authorized by the Department of Revenue or as published by other state or federal agencies and as selected and applied by the Tax Commissioner.

(b) For counties or subclasses where animal-unit-month data is not available, the income stream shall be computed by using the average of the most recent five-year prevailing cash rental rates per acre less representative landowner expenses. The annual prevailing cash rental rates per acre shall be based on data developed by the Department of Agricultural Economics of the University of Nebraska or as published by other state or federal agencies and as selected and applied by the Tax Commissioner.

(3) When making the computations prescribed in subsections (1) and (2) of this section, the same five-year period shall be used.

(4) ~~Actual values for wasteland~~ Wasteland, including, but not limited to, forest land and shelterbelts, shall be ~~computed based on five percent of the average actual value of all agricultural land and horticultural land in the crop reporting district within which such wasteland is located~~ valued at its actual value.

Sec. 26. That original sections 77-1362 and 77-1364, Reissue Revised Statutes of Nebraska, 1943, and section 77-1363, Revised Statutes Supplement, 1992, are repealed.".

2. On page 4, strike beginning with "Copies" in line 2 through line 4 and all amendments thereto.

3. On page 6, line 3, after "board" insert "which, for actions pursuant to subdivision (3) of section 4 of this act, shall be deemed to be June 15 of the year in which the action is taken".

4. On page 11, line 13, strike "prior to" and insert "on".

5. On page 13, line 4, before the period insert "other than to initiate appeals pursuant to section 7 of this act"; and in lines 12 and 15 through 17 strike the new matter and reinstate the stricken matter.

6. On page 15, line 16, strike "This" and insert "Sections 1 to 16, 20 to 23, and 25 of this" and after the period insert "The other sections of this act shall become

operative on their effective date.".

7. Renumber the remaining sections accordingly.

Messrs. Warner and Wickersham asked unanimous consent to print the following amendment to LB 1290 in the Journal. No objections. So ordered.

AM3634

(Amendments to AM3360)

1. On page 2, strike lines 7 through 23 and insert the following new subsection:

"(3) Prior to April 1, any school district may file written objections to the adjusted valuations prepared by the Department of Revenue, stating the reasons why such adjusted valuations are not the valuations required by subsection (2) of this section. The Tax Commissioner shall fix a time for a hearing to be held prior to May 1. Either party shall be permitted to introduce any evidence in reference thereto. Prior to June 1, the Tax Commissioner shall enter an order modifying or declining to modify, in whole or in part, the adjusted valuations and shall certify the order to the State Department of Education. Modification by the Tax Commissioner shall be based upon the evidence introduced at hearing and shall not be limited to the modification requested in the written objections or at hearing. The final determination of the Tax Commissioner may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act.".

Mr. Landis asked unanimous consent to print the following amendment to LB 446 in the Journal. No objections. So ordered.

(Amendment, AM3644, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Chambers asked unanimous consent to print the following amendment to LB 984 in the Journal. No objections. So ordered.

FA427

Amend Committee Amendments (AM3408)

On page 10, line 19, strike "and" and show as stricken; in line 24 before the period insert:

"; and (f) A stipulation which requires the producer to hire contractors who employ construction workers who receive health care benefits through employer contributions".

RESOLUTIONS

LEGISLATIVE RESOLUTION 333. Introduced by Hillman, 48; Wickersham, 49; Matzke, 47.

WHEREAS, the Western Nebraska Community College Cougars basketball team has won three region 9 championships in the last seven years; and

WHEREAS, Coach Dave "Soupy" Campbell, in his seven years as head coach of the Cougars, has won no less than twenty games a year and was recently honored as "Coach of the Year"; and

WHEREAS, the team and Coach Campbell deserve special recognition for the teamwork, discipline, and spirit which they have displayed throughout the season.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature wishes Coach Campbell and his Cougars good luck in their bid for the national championship title at the National Junior College Athletic Association basketball tournament in Hutchinson, Kansas, on March 14th, 1994.

2. That a copy of this resolution be sent to the Western Nebraska Community College basketball team and Coach Campbell.

Laid over.

LEGISLATIVE RESOLUTION 334. Introduced by Bernard-Stevens, 42.

WHEREAS, the Nebraska Federation of Women's Clubs and the Division of Travel and Tourism have sponsored a State of Nebraska postcard art contest for students from kindergarten to the sixth grade; and

WHEREAS, the contest slogan was "Send a Post Card from Nebraska" and the theme was "Beautiful Nebraska", in order to promote our wonderful state; and

WHEREAS, the contest's award-winning artwork is on display on the first floor of the Capitol through the month of March; and

WHEREAS, Nicole Talbot from North Platte was the Grand Prize and sixth grade division winner.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its congratulations to Nicole Talbot and the other students who were winners in the art competition.

2. That a copy of this resolution be sent to Nicole Talbot.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1363 and 1364 and a Governor appointment.

LB	Committee
1363	Business and Labor
1364	Business and Labor

Warren, Gary - Commission on Information Technology -- Transportation

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE BILL 1045. Title read. Considered.

Standing Committee amendment, AM3472, found in the Journal on page 1034, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

PRESIDENT ROBAK PRESIDING

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 314. Title read. Considered.

Standing Committee amendment, AM3498, found in the Journal on page 1035, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1006. Title read. Considered.

Mr. Warner asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1006A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1211. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1211A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1194. Title read. Considered.

Standing Committee amendment, AM3459, printed separately from the Journal and referred to on page 1036, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 984. Mr. Beutler offered the following amendment to the Standing Committee amendment:
AM3660
(Amendments to Standing Committee amendments, AM3408)

1. On page 1, line 11, strike both occurrences of "one" and insert "three-quarters".

2. On page 12, line 18; page 13, line 4; and page 14, line 4, before the period insert "for tax years 1995 and 1996, a credit equal to one-quarter cent per bushel of corn and per hundredweight of grain sorghum for tax years 1997 and 1998, and no credit for any other tax year".

Mr. Hall requested a division of the question on the Beutler amendment to the Standing Committee amendment.

The Chair sustained the division of the question.

The first Beutler amendment, to the Standing Committee amendment, is as follows:
FA428
(Amendments to Standing Committee amendments, AM3408)

1. On page 1, line 11, strike both occurrences of "one" and insert "three-quarters".

Messrs. Dierks and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?"

Mr. Robinson moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Beutler requested a roll call vote on the motion to cease debate.

Mr. Byars requested the roll call vote be taken in reverse order.

Voting in the affirmative, 27:

Abboud	Crosby	Hudkins	Matzke	Schellpeper
Avery	Cudaback	Janssen	McKenzie	Schmitt
Bohlke	Elmer	Jones	Moore	Vrtiska
Bromm	Engel	Kristensen	Pedersen	Wehrbein
Byars	Fisher	Landis	Robinson	Witek
Coordsen	Hillman			

Voting in the negative, 13:

Ashford	Beutler	Lindsay	Preister	Wickersham
Bernard-Stevens	Day	Monen	Rasmussen	Will
	Hall	Pirsch	Wesely	

Present and not voting, 2:

Hartnett	Schimek

Excused and not voting, 7:

Chambers	Haberman	Robak	Warner	Withem
Dierks	Lynch			

The motion to cease debate prevailed with 27 ayes, 13 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Ms. Day asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler moved for a call of the house. The motion prevailed with 19 ayes, 14 nays, and 16 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Abboud	Beutler	Hillman	Lindsay	Preister
Ashford	Hartnett	Landis	Monen	Wesely
Avery				

Voting in the negative, 28:

Bohlke	Elmer	Jones	Rasmussen	Vrtiska
Bromm	Engel	Kristensen	Robinson	Wehrbein
Byars	Fisher	Matzke	Schellpeper	Wickersham
Coordsen	Hall	McKenzie	Schimek	Will
Crosby	Hudkins	Moore	Schmitt	Witek
Cudaback	Janssen	Pirsch		

Present and not voting, 3:

Bernard-Stevens	Haberman	Pedersen

Excused and not voting, 7:

Chambers	Dierks	Robak	Warner	Withem
Day	Lynch			

The first Beutler amendment lost with 11 ayes, 28 nays, 3 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

The second Beutler amendment, to the Standing Committee amendment, is as follows:
FA429

(Amendments to Standing Committee amendments, AM3408)

2. On page 12, line 18; page 13, line 4; and page 14, line 4, before the period insert "for tax years 1995 and 1996, a credit equal to one-quarter cent per bushel of corn and per hundredweight of grain sorghum for tax years 1997 and 1998, and no credit for any other tax year".

Messrs. Ashford and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

The second Beutler amendment lost with 7 ayes, 13 nays, 20 present and not voting, and 9 excused and not voting.

Mr. Hall offered the following amendment to the Standing Committee amendment:
AM3693

(Amendments to Standing Committee amendments, AM3408)

1. On page 10, line 19, strike "and" and show as stricken; and in line 24 before the period insert "; and

(f) A stipulation which requires the producer to hire contractors who employ construction workers who receive health care benefits through employer contributions".

MRS. CROSBY PRESIDING

Pending.

NOTICE OF COMMITTEE HEARING
Business and Labor

LB 1363	Tuesday, March 22, 1994	12:00 noon
LB 1364	Tuesday, March 22, 1994	12:00 noon

(Signed) Chris Abboud, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Hudkins asked unanimous consent to print the following amendment to LB 907 in the Journal. No objections. So ordered.

AM3532

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 28-907, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-907. (1) A person commits the offense of false reporting if he or she:

(a) Furnishes material information he or she knows to be false to any peace officer or other official with the intent to instigate an investigation of an alleged criminal matter or to impede the investigation of an actual criminal matter; or

(b) Furnishes information he or she knows to be false alleging the existence of an emergency in which human life or property are in jeopardy to any hospital, ambulance company, or other person or governmental agency which deals with emergencies involving danger to life or property;

(c) Furnishes any information, or causes such information to be furnished or conveyed by electric, electronic, telephonic, or mechanical means, knowing the same to be false concerning the need for assistance of a fire department or any personnel or equipment of such department; ~~or~~

(d) Furnishes any information he or she knows to be false concerning the location of any explosive in any building

or other property to any person; or

(e) Furnishes material information he or she knows to be false to any governmental department or agency with the intent to instigate an investigation or to impede an ongoing investigation and which actually results in causing or impeding such investigation.

(2) Any person found guilty of the offense of false reporting may be ordered to pay restitution to the governmental department or agency or law enforcement agency which conducted an investigation in reliance on such false information for the reasonable and necessary costs incurred in conducting the investigation.

~~(2)~~ (3)(a) False reporting pursuant to subdivisions (1)(a) through (d) of this section is a Class I misdemeanor; and

(b) False reporting pursuant to subdivision (1)(e) of this section is a Class II misdemeanor.

Sec. 2. That original section 28-907, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Messrs. Will, Lindsay, Hartnett, and Mrs. Rasmussen asked unanimous consent to print the following amendment to LB 1290 in the Journal. No objections. So ordered.

AM3338

1. Strike original section 1 and insert the following new section:

"Section 1. That section 79-3809, Revised Statutes Supplement, 1992, be amended to read as follows:

79-3809. Beginning in ~~1994~~ 1995, on or before March 1 of each year the Department of Revenue shall compute and certify to the State Department of Education the adjusted valuation, by county, of each district for the second preceding tax year by application of an adjustment factor for each class of property in each such district so that the valuation of property for each district, for purposes of determining state aid pursuant to the Tax Equity and Educational Opportunities Support Act, shall reflect as nearly as possible taxable value as required by law and the Constitution of Nebraska, except that the department shall value agricultural land and horticultural land for such purposes at one hundred percent of market value rather than the eighty percent of market value used for assessed value pursuant to section 77-1360.01. Establishment of the adjustment factors shall be based on the best available assessment practices.".

Mr. Bromm asked unanimous consent to print the following amendment to LB 941 in the Journal. No objections. So ordered.

AM3691

1. Insert the following new section:

"Sec. 2. That section 66-1008, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-1008. A utility making a loan pursuant to section 66-1007 shall not:

(1) Operate an energy conservation plan for profit; or

(2) ~~Own~~ Supply or install energy conservation measures under its plan or own, either wholly or partially, any subsidiary involved in supplying or installing energy conservation measures under its plan.".

2. On page 4, line 12, strike "thirty" and insert "fifteen"; in line 13 after the period insert "Any loan to be made by a utility which exceeds ten thousand dollars shall only be made in participation with a bank pursuant to a contract. The utility and the participating bank shall determine the terms and conditions of the contract."; and in line 16 strike "section 66-1004" and insert "sections 66-1004 and 66-1008".

Mr. Wickersham asked unanimous consent to print the following amendment to LB 446 in the Journal. No objections. So ordered.

AM3677

1. On page 10, line 5, before the period insert "and shall be maintained for at least four years after the effective date of the rule or regulation".

2. On page 12, line 13, strike "regulated persons" and insert "persons being regulated".

3. On page 15, line 3, strike ", (2)"; and in line 4 strike the comma and strike "(3)" and insert "(2)".

4. On page 22, line 17, after "as" insert ", or who is subject to the authority, direction, or discretion of one who has served as,".

5. On page 24, line 27, before the period insert "for at least four years following the date of the final order".

Mr. Ashford asked unanimous consent to print the following amendment to LB 1351 in the Journal. No objections. So ordered.

AM3649

(Amendments to Standing Committee amendments, AM3473)

1. Insert the following new sections:

"Section 1. (1) A person commits the crime of criminal intimidation if, by reason of the actual or perceived race, color, religion, national origin, sexual orientation,

age, mental illness, mental retardation, or physical disability of another individual or group of individuals, he or she commits assault as defined in sections 28-308 to 28-310.

(2) Criminal intimidation shall be classified one offense higher than the underlying offense on which the crime is based.

Sec. 2. That section 28-101, Revised Statutes Supplement, 1992, be amended to read as follows:

28-101. Sections 28-101 to 28-1348 and section 1 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 3. Any person incurring injury to his or her person or damage or loss to his or her property as a result of conduct in violation of section 1 of this act shall have a civil action to secure an injunction, damages, or other appropriate relief against any and all violators. The burden of proof used in other civil actions for similar relief shall be used in an action under this section to determine whether a violation of section 1 of this act has occurred. The plaintiff in such action may recover special and general damages, including damages for emotional distress, attorney's fees, and costs.

Sec. 21. (1) The Nebraska State Patrol shall establish and maintain a central repository for the collection and analysis of information regarding crimes motivated by bigotry or bias. Upon establishing the repository, the patrol shall develop a procedure to monitor, record, classify, and analyze information relating to incidents apparently directed against an individual or group of individuals by reason of the actual or perceived race, color, religion, national origin, sexual orientation, age, mental illness, mental retardation, or physical disability of such individual or group. The patrol shall submit its procedure to the Judiciary Committee of the Legislature for approval.

(2) All law enforcement agencies shall report monthly to the patrol concerning crimes motivated by bigotry or bias in such form and manner as prescribed by rule and regulation. The patrol shall summarize and analyze the information received and file an annual report with the Governor and the Clerk of the Legislature.

(3) Any information, records, and statistics collected in accordance with this section shall be available for use by any law enforcement agency, unit of local government, or state agency to the extent that such information is reasonably necessary or useful to the entity in carrying out the duties imposed upon it by law. Dissemination of such information shall be subject to all confidentiality requirements otherwise imposed by law.

(4) The patrol shall provide training for law enforcement personnel in identifying, responding to, and reporting criminal offenses motivated by race, color, religion, national origin, sexual orientation, age, mental illness, mental retardation, or physical disability.".

2. On page 35, line 6, strike "25" and insert "29"; and in line 14 strike "25 to 27" and insert "29 to 31".

3. On page 36, line 22, strike "18, 20, 25 to 29, and 32" and insert "21, 23, 29 to 33, and 36".

4. On page 37, line 9, after "sections" insert "28-101,".

5. Renumber the remaining sections accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 909 in the Journal. No objections. So ordered.

AM3680

1. On page 43, line 10, strike beginning with "including" through "I", show the old matter as stricken, and insert "such as federal".

VISITORS

Visitors to the Chamber were Wayne and Darlene Schroeder from Lincoln; Ken and Bryan Moody from Gothenburg; Senator Janssen's son, Mike, from Blair; 28 members of the Lutheran Youth Organization from Gothenburg; Nathan Wurtz from Omaha; and former Senator Elvin Adamson.

ADJOURNMENT

At 5:05 p.m., on a motion by Mr. Haberman, the Legislature adjourned until 9:00 a.m., Friday, March 11, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-NINTH DAY - MARCH 11, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 11, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Jerry McClary, Maranatha Free Will Baptist Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Pedersen and Mrs. Robak who were excused; and Messrs. Abboud, Avery, Bernard-Stevens, Bromm, Chambers, Engel, Hall, Landis, Lindsay, Monen, Moore, Warner, Mmes. Bohlke, and Rasmussen who were excused until they arrive.

PRESIDENT ROBAK PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-eighth day was approved.

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 694 in the Journal. No objections. So ordered.

AM3515

(Amendments to E & R Amendments, AM5650)

1. On page 87, strike beginning with "(1)" in line 5 through line 27 and show the old matter as stricken.

2. On page 88, line 1, strike "(3)" and show as stricken.

3. On page 100, lines 3 and 4, strike "four thousand five hundred", show as stricken, and insert "six thousand"; and in line 12 strike "five hundred", show as stricken, and insert "one thousand".

4. On page 106, line 3, strike "six", show as stricken, and insert "ten"; and in lines 11 and 13 strike "six" and insert "ten".

RESOLUTION

LEGISLATIVE RESOLUTION 335. Introduced by Crosby, 29.

WHEREAS, the Nebraska Reclamation Association, now known as the Nebraska Water Resources Association, was founded on May 5, 1944, to further the development, reclamation, conservation, and beneficial uses of Nebraska's water and land resources; and

WHEREAS, the Nebraska Water Resources Association has been successful over the years in advancing irrigation development projects and other water resource objectives in Nebraska; and

WHEREAS, membership of the Nebraska Water Resources Association represents a variety of interests, including irrigation districts, public power districts, natural resources districts, municipalities, chambers of commerce, and businesses; and

WHEREAS, the Nebraska Water Resources Association is the only water organization in Nebraska with a national affiliation, the National Water Resources Association; and

WHEREAS, the Nebraska Water Resources Association provides information to Nebraskans on federal and state water issues and natural resources issues; and

WHEREAS, the Nebraska Water Resources Association supports the strengthening of Nebraska's economy by proposing appropriate land and water resources development and conservation measures.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature supports the continued efforts of the Nebraska Water Resources Association and congratulates the association on serving the citizens of Nebraska for fifty years.

2. That a copy of this resolution be sent to the Nebraska Water Resources Association.

Laid over.

REPORT

Received area summaries from the Department of Labor for the state, Omaha, Lincoln, and nonmetropolitan areas on employment and unemployment rates.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 94013

DATE: March 9, 1994

SUBJECT: Proper Protocol for State of Nebraska to Accept Retrocession of Federal Legislative Jurisdiction Over the Cornhusker Army Ammunition Plant

REQUESTED BY: The Honorable E. Benjamin Nelson
Governor, State of Nebraska

WRITTEN BY: Don Stenberg, Attorney General
Lauren L. Hill, Assistant Attorney General

On July 27, 1993, you requested an opinion from this office as to the procedures required for the State of Nebraska to accept retrocession of federal legislative jurisdiction over the Cornhusker Army Ammunition Plant which is comprised of 11,936.08 fee acres and located near Grand Island, Nebraska. Your opinion request was subsequently withdrawn pending receipt of additional information which your office requested from the U.S. Army Corps of Engineers. Following receipt of that information, your opinion request was renewed on February 7, 1994. We now address your question.

History of State and Federal Jurisdiction

Pursuant to legislation enacted in 1883, the State of Nebraska consented to cede to the United States its jurisdiction over state lands which were required for a multitude of federal purposes. See Laws 1883, Ch. 90. Thus, from the date on which it acquired title to the Cornhusker Army Ammunition Plant, the federal government has been vested with exclusive legislative jurisdiction over the property. See id. at § 4. Federal law provides that "{n}otwithstanding any other provision of law, the Secretary concerned may, whenever he considers it desirable, relinquish to a State . . . all or part of the legislative jurisdiction of the United States over lands or interests under his control in that State. . . ." 10 U.S.C. § 2683 (1983). Your office has been notified that the U.S. Army may be interested in effecting a retrocession of legislative jurisdiction over the Cornhusker Plant in accordance with this provision.

Effecting Retrocession

The federal statute expressly provides that "{r}elinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor . . . of the State . . . concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State . . . may otherwise provide." 10 U.S.C. § 2683 (1983 and Supp. 1993). Last year, the Nebraska Legislature enacted LB 545 for the express purpose of providing the state with a means of accepting cession or retrocession of federal jurisdiction. Pursuant to

enactment of this legislation, you may act by executive order to effect such a transfer. The law specifies that

> {b}y appropriate executive order, the Governor may accept on behalf of the state full or partial cession or retrocession of federal jurisdiction, criminal or civil, over any lands, except Indian lands, in federal enclaves within the state where such cession or retrocession has been offered by appropriate federal authority. An executive order accepting a cession or retrocession of jurisdiction shall be filed in the office of the Secretary of State and in the office of the register of deeds of the county in which the affected real estate is located.

Neb. Rev. Stat. § 84-168 (Supp. 1993).

Respectfully submitted,
DON STENBERG
Attorney General
(Signed) Lauren L. Hill
Assistant Attorney General

24-11-14.op

Opinion No. 94014

DATE: March 10, 1994

SUBJECT: Constitutionality of Statutory Ban on Smoking in State Facilities

REQUESTED BY: Senator Floyd Vrtiska

WRITTEN BY: Don Stenberg, Attorney General
Steve Grasz, Deputy Attorney General

You have requested the opinion of this office as to the constitutionality of LB 1064, a bill to prohibit smoking in all buildings, facilities, and vehicles that are owned, leased, or occupied by the State, effective on September 1, 1994. Specifically, you have asked whether the provisions of LB 1064 would violate the constitutionally mandated separation of powers since the smoking ban would apply to buildings and facilities controlled or occupied by agencies and officials of the Executive and Judicial branches, as well as the Legislature.[1]

The Separation of Powers

The Constitution of the State of Nebraska provides for the separation of powers and strictly forbids encroachment by one branch of government upon the powers of another branch:

> The powers of the government of this state are divided into three distinct departments, the Legislative, Executive and Judicial, and no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

Neb. Const. Art. II, §1 (emphasis added).

The doctrine of separation of powers has been strictly construed in the State of Nebraska. See State ex rel. Spire v. Conway, 238 Neb. 766, 472 N.W.2d 403, 413 (1991). In interpreting Article II, section 1, the Nebraska Supreme Court has stated, "Nebraska's Constitution contains an absolute prohibition upon the exercise of the executive, legislative and judicial powers by the same person or the same group of persons. It has remained a part of the Constitution unchanged since 1875. It is more certain and positive than the provisions of the federal Constitution and those of some of the states, which merely definitely divided the three powers of government." Laverty v. Cochran, 132 Neb. 118, 120-121, 271 N.W. 354 (1937). Thus, the Legislative Branch may not exercise any power properly belonging to the Executive or Judicial Branch. See State ex rel. Spire v. Conway, 238 Neb. at 773 ("The language of article II prohibits one branch of government from encroaching on the duties and prerogatives of the others. . . .").

The question presented by your request, therefore, can be framed as follows: Whether the regulation of smoking, by the Legislative branch, constitutes the exercise of a power properly belonging to either the Executive or Judicial branches within the context of buildings or facilities occupied or controlled by those respective branches of state government.

Classification of the Power to Regulate Smoking

The underlying question, then, is whether the regulation of smoking, in the context of buildings or facilities occupied or controlled by the respective branches of state government, is properly classified as a legislative, executive or judicial function.

The Nebraska Constitution is silent on this question, and our research reveals no case law or commentary discussing a separation of powers problem arising from a nonsmoking regulation affecting the internal management of the separate branches of government. However, in In re Integration of Nebraska State Bar Ass'n, 133 Neb. 283, 275 N.W. 265 (1937), the Nebraska Supreme Court discussed the inherent powers of the various branches of government.

> In the absence of an express grant of . . . power to any one of the three departments, it must be exercised by the department to which it naturally belongs because "It is a fundamental principle of constitutional law that each department of government, whether federal or state, has, without any express grant, the inherent right to accomplish all objects naturally within the orbit of that department, not expressly limited by the fact of the existence of a similar power elsewhere or the express limitations in the constitution.' . . ." "All governmental powers are in their natures either legislative, executive, or judicial. The constitution does not undertake to define what acts fall within the one class or the other, but leaves every act to be classified according to its nature, recognizing that the essentials which distinguish those that belong to one department from those that belong to the two others are discernible to the learned mind. But in that article of the constitution all the powers of

the state government are disposed of, and every one who lawfully exercises any state governmental function is able to trace the source of his authority to one of the three departments there named. The power, whatever its character, can be exercised only by or under authority of the separate magistracy to which by the constitution it is assigned."

Id. at 266 (Emphasis added).

We believe the regulation of smoking is in the nature of a generally applicable public health and safety regulation. See, e.g., the Clean Indoor Air Act, Neb. Rev. Stat. § 71-5702 ("the purpose . . . is to protect the public health, comfort, and environment. . . ."). Such regulation does not appear to be an inherently executive or judicial function. The Legislature, on the other hand, has an unlimited field within which to legislate, subject only to the initiative, referendum and constitutional inhibitions, and provided that legislation is for a public purpose. Power Oil Co. v. Cochran, 138 Neb. 827, 839, 295 N.W. 805 (1941).

Under Nebraska law, "the Legislature has plenary legislative authority limited only by the state and federal Constitutions." Lenstrom v. Thone, 209 Neb. 783, 789, 311 N.W.2d 884 (1981). "Unless restricted by some provision of the state or federal Constitution, the Legislature may enact laws and appropriate funds for the accomplishment of any public purpose. It is for the Legislature to decide in the first instance what is and what is not a public purpose. . . ." Id. See also State ex rel. Creighton Univ. v. Smith, 217 Neb. 682, 687, 353 N.W.2d 267 (1984). The regulation of smoking, even in facilities controlled or occupied by the Executive and Judicial branches, would not appear to prevent the affected branch from accomplishing its constitutionally assigned functions, nor would such regulation encroach on the duties and prerogatives of the Executive or Judicial branches.[2]

Consequently, we conclude the regulation of smoking in State buildings, facilities and vehicles is within the prerogative of the Legislature, and no separation of powers conflict exists under the provisions of LB 1064.

[1]Although this opinion addresses only the separation of powers question, we note that nonsmoking regulations have survived constitutional challenges based on the equal protection clause, the due process clause, the fundamental rights of liberty, privacy, property, and education, and the guarantee against impairment of contract obligations. See 65 ALR 4th 1205.

[2]We note that existing law already generally prohibits smoking in a public place or at a public meeting except in designated smoking areas. Neb. Rev. Stat. § 71-5707 (1990).

Sincerely yours,
DON STENBERG
Attorney General

(Signed) Steve Grasz
Deputy Attorney General

3-1490-3

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 123.

A BILL FOR AN ACT relating to motorboats; to amend sections 37-1216 and 37-1226, Reissue Revised Statutes of Nebraska, 1943, section 77-27,147, Revised Statutes Supplement, 1992, and sections 37-1214, 37-1274, 77-2702.07, 77-2702.09, 77-2702.17, and 77-2703, Revised Statutes Supplement, 1993; to provide for and change provisions relating to titling, registration, and sale of motorboats; to provide powers and duties for county clerks and the Department of Motor Vehicles; to provide fees; to provide penalties; to provide for applicability of the Uniform Commercial Code; to redefine terms; to change provisions relating to the payment of sales tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Abboud	Chambers	Haberman	Lynch	Schimek
Ashford	Coordsen	Hall	Matzke	Schmitt
Avery	Crosby	Hartnett	McKenzie	Vrtiska
Bernard-Stevens	Cudaback	Hillman	Moore	Wehrbein
Beutler	Day	Hudkins	Pirsch	Wesely
Bohlke	Dierks	Janssen	Preister	Will
Bromm	Elmer	Jones	Robinson	Witek
Byars	Fisher	Kristensen	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 1:

Wickersham

Excused and not voting, 8:

Engel	Lindsay	Pedersen	Robak	Warner
Landis	Monen	Rasmussen		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 212.

A BILL FOR AN ACT relating to county government; to authorize adoption of policies and procedures relating to employees by certain counties; to define terms; to provide for classified and unclassified service; to authorize creation of personnel policy boards and appointment of county personnel officers in certain counties; to provide powers and duties; to provide for rules and regulations; to provide for program compliance with federal law; and to provide a penalty.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud	Chambers	Hall	Matzke	Schmitt
Ashford	Coordsen	Hartnett	McKenzie	Vrtiska
Avery	Crosby	Hillman	Monen	Wehrbein
Bernard-Stevens	Cudaback	Hudkins	Moore	Wesely
	Day	Janssen	Pirsch	Wickersham
Beutler	Dierks	Jones	Preister	Will
Bohlke	Elmer	Kristensen	Robinson	Witek
Bromm	Fisher	Lindsay	Schellpeper	Withem
Byars	Haberman	Lynch		

Voting in the negative, 0.

Present and not voting, 1:

Schimek

Excused and not voting, 6:

Engel	Pedersen	Rasmussen	Robak	Warner
Landis				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 868.

A BILL FOR AN ACT relating to dispute resolution; to amend section 25-2914, Revised Statutes Supplement, 1992; to change provisions

relating to confidentiality in matters referred to mediation; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Chambers	Hall	McKenzie	Schmitt
Ashford	Coordsen	Hartnett	Monen	Vrtiska
Avery	Crosby	Hillman	Moore	Wehrbein
Bernard-Stevens	Cudaback	Hudkins	Pirsch	Wesely
Beutler	Day	Janssen	Preister	Wickersham
Bohlke	Dierks	Jones	Robinson	Will
Bromm	Elmer	Kristensen	Schellpeper	Witek
Byars	Fisher	Lindsay	Schimek	Withem
	Haberman	Matzke		

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 6:

Engel	Pedersen	Rasmussen	Robak	Warner
Landis				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 889.

A BILL FOR AN ACT relating to correctional services; to amend section 83-183, Revised Statutes Supplement, 1993; to provide for and change provisions relating to reimbursements as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Bernard-	Bohlke	Chambers	Cudaback
Ashford	Stevens	Bromm	Coordsen	Day
Avery	Beutler	Byars	Crosby	Dierks

Elmer	Hudkins	Matzke	Schellpeper	Wesely
Fisher	Janssen	McKenzie	Schimek	Wickersham
Haberman	Jones	Monen	Schmitt	Will
Hall	Kristensen	Moore	Vrtiska	Witek
Hartnett	Lindsay	Pirsch	Wehrbein	Withem
Hillman	Lynch	Preister		

Voting in the negative, 0.

Present and not voting, 1:

Robinson

Excused and not voting, 6:

Engel	Pedersen	Rasmussen	Robak	Warner
Landis				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 892.

A BILL FOR AN ACT relating to names; to amend section 61-102, Reissue Revised Statutes of Nebraska, 1943; to change a notice requirement for name changes; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Chambers	Hall	Matzke	Schmitt
Ashford	Coordsen	Hartnett	McKenzie	Vrtiska
Avery	Crosby	Hillman	Monen	Wehrbein
Bernard-Stevens	Cudaback	Hudkins	Moore	Wesely
	Day	Janssen	Pirsch	Wickersham
Beutler	Dierks	Jones	Preister	Will
Bohlke	Elmer	Kristensen	Robinson	Witek
Bromm	Fisher	Lindsay	Schellpeper	Withem
Byars	Haberman	Lynch	Schimek	

Voting in the negative, 0.

Excused and not voting, 6:

Engel	Pedersen	Rasmussen	Robak	Warner
Landis				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 930. With Emergency.

A BILL FOR AN ACT relating to the school enrollment option program; to amend sections 79-3401 and 79-3407, Revised Statutes Supplement, 1992; to state intent; to change provisions relating to school districts which have desegregation plans; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Chambers	Hall	Matzke	Schmitt
Ashford	Coordsen	Hartnett	McKenzie	Vrtiska
Avery	Crosby	Hillman	Monen	Wehrbein
Bernard-Stevens	Cudaback	Hudkins	Moore	Wesely
	Day	Janssen	Pirsch	Wickersham
Beutler	Dierks	Jones	Preister	Will
Bohlke	Elmer	Kristensen	Robinson	Witek
Bromm	Fisher	Lindsay	Schellpeper	Withem
Byars	Haberman	Lynch	Schimek	

Voting in the negative, 0.

Excused and not voting, 6:

Engel	Pedersen	Rasmussen	Robak	Warner
Landis				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1005.

A BILL FOR AN ACT relating to accountants; to amend section 1-109, Reissue Revised Statutes of Nebraska, 1943; to provide for an executive director of the Nebraska State Board of Public Accountancy; to provide powers and duties; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud	Chambers	Hall	Matzke	Schimek
Ashford	Coordsen	Hartnett	McKenzie	Schmitt
Avery	Crosby	Hillman	Monen	Wehrbein
Bernard-Stevens	Cudaback	Hudkins	Moore	Wesely
Beutler	Day	Janssen	Pirsch	Wickersham
Bohlke	Dierks	Jones	Preister	Will
Bromm	Elmer	Kristensen	Robinson	Witek
Byars	Haberman	Lindsay	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 3:

Fisher	Lynch	Vrtiska

Excused and not voting, 6:

Engel	Pedersen	Rasmussen	Robak	Warner
Landis				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 1129. E & R amendment, AM5673, found in the Journal on page 904, was adopted.

Mr. Kristensen withdrew his amendment, AM3441, found in the Journal on page 932.

Mr. Chambers renewed his pending amendment, AM3484, found in the Journal on page 970.

Messrs. Wickersham and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 123, 212, 868, 889, 892, 930, and 1005.

SELECT FILE

LEGISLATIVE BILL 1129. The Chambers pending amendment, AM3484, found in the Journal on page 970, and considered in this day's Journal, was renewed.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

SPEAKER WITHEM PRESIDING

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Abboud	Beutler	Hall	Lindsay	Preister
Bernard-Stevens	Bohlke	Janssen	McKenzie	Schimek
	Chambers	Landis	Monen	Will

Voting in the negative, 20:

Ashford	Crosby	Fisher	Matzke	Vrtiska
Avery	Cudaback	Hillman	Moore	Wehrbein
Bromm	Day	Jones	Robinson	Wesely
Byars	Elmer	Kristensen	Schellpeper	Witek

Present and not voting, 8:

Dierks	Hartnett	Lynch	Schmitt	Withem
Haberman	Hudkins	Pirsch		

Excused and not voting, 7:

Coordsen	Pedersen	Robak	Warner	Wickersham
Engel	Rasmussen			

The Chambers amendment lost with 14 ayes, 20 nays, 8 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Matzke renewed his pending amendment, AM3491, found in the Journal on page 976.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the Matzke pending amendment:
FA430
Amend Matzke amendment (AM3491)
Page 1, line 11, strike "whipping, beating, branding"

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Chambers requested a roll call vote on his amendment to the Matzke pending amendment.

Mr. Cudaback requested the roll call vote be taken in reverse order.

Voting in the affirmative, 20:

Bernard-Stevens	Cudaback	Landis	Preister	Wesely
Beutler	Day	Lindsay	Rasmussen	Will
Bohlke	Hall	McKenzie	Schimek	Witek
Chambers	Janssen	Monen	Schmitt	Withem

Voting in the negative, 11:

Abboud	Elmer	Haberman	Jones	Matzke
Bromm	Fisher	Hillman	Kristensen	Pirsch
Crosby				

Present and not voting, 11:

Avery	Engel	Hudkins	Robinson	Vrtiska
Byars	Hartnett	Moore	Schellpeper	Wehrbein
Dierks				

Excused and not voting, 7:

Ashford	Lynch	Robak	Warner	Wickersham
Coordsen	Pedersen			

The Chambers amendment lost with 20 ayes, 11 nays, 11 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

SPEAKER WITHEM PRESIDING

UNANIMOUS CONSENT - Member Excused

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1275A. Introduced by Withem, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1275, Ninety-third Legislature, Second Session, 1994; and to provide for reductions in appropriations.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 1275 in the Journal. No objections. So ordered.

AM3615

(Amendments to E & R amendments, AM5676)

1. Insert the following new sections:

"Section 1. That section 76-214, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-214. Every grantee who has a deed to real estate recorded, which ~~deed~~ was executed after July 21, 1965, and every purchaser of real estate who has a memorandum of contract or land contract recorded which was executed after the effective date of this act, shall at the time such deed, memorandum of contract, or land contract is presented for recording file with the register of deeds a completed statement as prescribed by the Tax Commissioner. For all deeds executed and recorded after January 1, 1986, and for all memoranda of contract and land contracts executed and recorded after the effective date of this act, the statement shall contain the social security number of the grantee or purchaser, if living, or the federal employer identification number of the grantee or purchaser. This statement may require the recitation of any information contained in the deed, the total consideration paid, the amount of the total consideration attributable to factors other than the purchase of the real estate itself, and other factors which may

influence the transaction. This statement shall be signed and filed by the grantee, the purchaser, or his or her authorized agent. If the grantee or purchaser fails to furnish such statement, the register of deeds shall not record the deed, memorandum of contract, or land contract. The register of deeds shall indicate on the statement the book and page or computer system reference where the deed, memorandum of contract, or land contract is recorded and shall immediately forward the statement to the county assessor. The county assessor shall process the statement according to the instructions of the Tax Commissioner and shall, when directed, forward the statement to the Tax Commissioner. This statement and the information contained therein shall be confidential and available to tax officials only.

Sec. 2. That section 76-215, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-215. Any ~~grantee of real estate who shall fail~~ person who fails to obey the provisions of section 76-214, shall be deemed guilty of a misdemeanor, and, upon conviction thereof shall be fined in any sum not less than ten dollars nor exceeding five hundred dollars.".

2. On page 3, line 21, after the period insert "The Tax Commissioner shall include analysis of real estate sales pursuant to land contracts and similar transfers at the time of execution of the contract or similar transfer.".

3. On page 4, line 17, after "original" insert "sections 76-214 and 76-215, Reissue Revised Statutes of Nebraska, 1943, and".

4. Renumber the remaining sections accordingly.

Mrs. Witek asked unanimous consent to print the following amendment to LB 909 in the Journal. No objections. So ordered.

AM3520

1. In the Standing Committee amendment, AM2913, strike amendments 1, 8, and 9, and renumber the remaining amendments accordingly.

Mrs. Witek asked unanimous consent to print the following amendment to LB 909 in the Journal. No objections. So ordered.

AM3519

1. Strike original sections 1 and 21.

2. On page 51, line 5, strike "43-2601,".

3. Renumber the remaining sections accordingly.

Mrs. Witek asked unanimous consent to print the following amendment to LB 909 in the Journal. No objections. So ordered.

AM3521

1. On page 44, lines 3 through 16, strike the new matter and reinstate the stricken matter.

Ms. Day, Messrs. Hartnett, and Beutler asked unanimous consent to print the following amendment to LB 1207 in the Journal. No objections. So ordered.

AM3652

(Amendments to E & R amendments, AM5680)

1. Strike section 8 and insert the following new sections:

"Sec. 8. (1) In addition to any authority granted to a city, village, or county under sections 31-701 to 31-726 to review or approve any actions or proposed actions of a sanitary and improvement district, any sanitary and improvement district which includes real property located within one mile of the boundary of a solid waste disposal site for which a permit application is pending or for which a permit has been issued pursuant to section 13-2036 shall obtain the approval of the governing body of any county, municipality, or agency which has applied for or which is a holder of such permit prior to entering into any contract or agreement for or otherwise providing for building, reconstructing, purchasing, or otherwise acquiring or providing any improvements or facilities pursuant to section 31-708 prior to the acquisition of any property pursuant to section 31-712 or 31-714.

(2) Approval under this section shall be based upon a determination by the county, municipality, or agency:

(a) That the proposed action by the sanitary and improvement district will not hinder, impede, obstruct, interfere with, or unduly burden the county, municipality, or agency in the performance of its duties and responsibilities under the Integrated Solid Waste Management Act;

(b) That the proposed action by the sanitary and improvement district is consistent with the preservation of the public health, safety, and welfare under the provisions of such act; and

(c) That the proposed action by the sanitary and improvement district will not create financial burdens upon the county, municipality, or agency responsible for a facility in the construction, operation, management, closure, or postclosure care of the facility disproportionate to the benefits from the proposed action to be derived by the owners of the land within the sanitary and improvement district making a reasonable use of their land.

(3) For purposes of this section, county, municipality, facility, and agency shall have the definitions

provided in the Integrated Solid Waste Management Act.

Sec. 9. (1) In addition to any authority granted to a city, village, or county under sections 31-726 to 31-762 to review or approve any actions or proposed actions of a sanitary and improvement district, any sanitary and improvement district which includes real property located within one mile of the boundary of a solid waste disposal site for which a permit application is pending or for which a permit has been issued pursuant to section 13-2036 shall obtain the approval of the governing body of any county, municipality, or agency which has applied for or which is a holder of such permit prior to entering into any contract or agreement for or otherwise providing for building, reconstructing, purchasing, or otherwise acquiring or providing any improvements or facilities pursuant to section 31-727, 31-740, or 31-744, and prior to the acquisition of any property pursuant to section 31-736, 31-737, or 31-738.

(2) Approval under this section shall be based upon a determination by the county, municipality, or agency:

(a) That the proposed action by the sanitary and improvement district will not hinder, impede, obstruct, interfere with, or unduly burden the county, municipality, or agency in the performance of its duties and responsibilities under the Integrated Solid Waste Management Act;

(b) That the proposed action by the sanitary and improvement district is consistent with the preservation of the public health, safety, and welfare under the provisions of such act; and

(c) That the proposed action by the sanitary and improvement district will not create financial burdens upon the county, municipality, or agency responsible for a facility in the construction, operation, management, closure, or postclosure care of the facility disproportionate to the benefits from the proposed action to be derived by the owners of the land within the sanitary and improvement district making a reasonable use of their land.

(3) For purposes of this section, county, municipality, facility, and agency shall have the definitions provided in the Integrated Solid Waste Management Act.".

2. Renumber the remaining sections accordingly.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 10, 1994. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Mulherin, Lynn T. - Omaha	Millard Refrigerated Services, Inc. (Withdrawn 02/16/94)
New West Communications Goldberg, Gary - Kearney	Nebraska Dental Hygienists Association (Withdrawn 03/08/94)
Niemann, Nicholas K. - Omaha	Millard Refrigerated Services, Inc. (Withdrawn 02/16/94)
Offner, Steven L. - Omaha	Millard Refrigerated Services, Inc. (Withdrawn 02/16/94)
Schalley, Jeffrey - Omaha	Student Government of UNO (Withdrawn 03/01/94)
Williamson, Lyle - Denver	MCI Telecommunications Corporation (Withdrawn 03/08/94)

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 11, 1994, at 10:30 a.m., were the following bills: 123, 212, 868, 889, 892, 930, and 1005.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

SELECT FILE

LEGISLATIVE BILL 498. E & R amendment, AM5432, found in the Journal on page 1135, First Session, 1993, was adopted.

Mr. Wesely renewed his pending amendment, AM3312, found in the Journal on page 805.

The Wesely amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 498A. Mr. Wesely offered the following amendment:
AM3318

1. Strike original section 1.

2. On page 1, line 3; and page 2, line 13, strike "First Session, 1993" and insert "Second Session, 1994".

3. On page 2, line 10, strike "FY1993-94" and insert "FY1994-95"; and in line 11 strike "FY1994-95" and insert "FY1995-96".

4. Renumber the remaining section accordingly.

The Wesely amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 570. E & R amendment, AM5464, found in the Journal on page 1596, First Session, 1993, was adopted.

Mmes. Crosby and Robak withdrew their amendment, AM1420, found in the Journal on page 1533, First Session, 1993.

Mr. Kristensen withdrew his amendment, AM1767, found in the Journal on page 1810, First Session, 1993.

Mr. Beutler renewed his pending amendment, AM2502, found in the Journal on page 2669, First Session, 1993.

The Beutler amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 663. Mr. Moore withdrew his amendment, AM2869, found in the Journal on page 504.

Mr. Moore renewed his pending amendment, AM2885, found in the Journal on page 515.

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Moore amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Monen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3714.)

Mr. Hall withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 987. Mrs. Bohlke and Mr. Withem renewed their pending amendment, AM2996, found in the Journal on page 644.

MR. LINDSAY PRESIDING

The Bohlke-Withem amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 241. E & R amendment, AM5637, found in the Journal on page 535, was adopted.

Mr. Landis renewed his pending amendment, AM2936, found in the Journal on page 647.

The Landis amendment was adopted with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 819. E & R amendment, AM5639, printed separately from the Journal and referred to on page 548, was adopted.

Mr. Dierks withdrew his amendment, AM3022, found in the Journal on page 650.

Mr. Dierks renewed his pending amendment, AM3608, found in the Journal on page 1104.

The Dierks amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 681. Mr. Beutler withdrew his amendment, AM2889, found in the Journal on page 562.

Mr. Beutler offered the following amendment:
AM3716
1. On page 2, line 2, strike "or acquire" and insert ", lease-purchase, or acquire for consideration".

The Beutler amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Bernard-Stevens withdrew his amendment, AM3005, found in the Journal on page 632.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 695. E & R amendment, AM5644, found in the Journal on page 551, was adopted.

Mr. Bernard-Stevens withdrew his amendment, AM3043, found in the Journal on page 651.

Mr. Bernard-Stevens offered the following amendment:
AM3705

1. Insert the following new sections:

"Section 1. The Legislature finds that, due to severe weather conditions and diseases, cities and villages across Nebraska are experiencing tree mortality. Most cities and villages have been unable to act decisively due to insufficient funds to remove, dispose of, and replace trees situated on public land. Dead trees are fast becoming a liability and a safety problem for cities and villages.

Sec. 2. It is the intent of the Legislature that $250,000 be appropriated from the General Fund for fiscal year 1994-95 for a program to fund tree removal, disposal, and replacement costs. The Nebraska Forest Service of the Institute of Agriculture and Natural Resources Department of Forestry, Fisheries, and Wildlife shall administer the program through a grant process, and the program shall be known as the Nebraska Tree Recovery Program. The Nebraska Community Forestry Council shall act as an advisory body in administration of the program. The service shall adopt and promulgate rules and regulations necessary to carry out sections 1 to 4 of this act.

Sec. 3. Any city, village, county, or agency thereof or any state agency responsible for the upkeep of state-owned real property may apply for a grant from the Nebraska Tree Recovery Program. Any civic group, tree advisory board, or other entity working with a governmental agency on tree planting, removal, and replacement may apply for a grant under the program.

Sec. 4. Applications for grants for the first year of the Nebraska Tree Recovery Program shall be received not later than July 1, 1994, and grants shall be awarded not later than October 1, 1994. In subsequent years the Nebraska Forest Service of the Institute of Agriculture and Natural Resources Department of Forestry, Fisheries, and Wildlife shall establish the date by which applications must be submitted, and grants shall be awarded not later than ninety days after such date.

The following shall be considered in reviewing a proposal of an applicant for a grant from the program:

(1) Grant money shall be used to plant or remove trees only on land owned by state or local governments, including parks, public grounds, and city rights-of-way;

(2) Trees shall be purchased from commercial Nebraska nurseries;

(3) The applicant shall provide funds to match the

grant at a fifty-fifty match rate;

(4) Local labor may be considered as in-kind participation in calculating the amount of the applicant's matching funds required by subdivision (3) of this section;

(5) No state or local funds under the program shall be used to purchase real property;

(6) Tree species to be planted under the proposal shall be adaptable to Nebraska and the local area in order for such trees to grow and thrive;

(7) Arboricultural experts may be consulted at the local and state levels for expertise in developing local tree replanting program;

(8) Local programs shall indicate a partnership between the applicant and property owners showing how to best replant and maintain trees for the first three years after planting; and

(9) Cities, villages, civic groups, students, and families should be involved in selecting, replanting, and caring for trees for the valuable educational aspects of the program.".

2. Renumber the remaining sections accordingly.

The Bernard-Stevens amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 286. E & R amendment, AM5648, found in the Journal on page 554, was adopted.

Messrs. Coordsen and Hall renewed their pending amendment, AM2830, found in the Journal on page 567.

The Coordsen-Hall amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Messrs. Hall and Coordsen renewed their pending amendment, AM3191, found in the Journal on page 738.

The Hall-Coordsen amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Coordsen offered the following amendment:
AM3701

(Amendments to AM2794)

1. Insert the following new section:

"Section 1. That section 48-602, Revised Statutes Supplement, 1993, be amended to read as follows:

48-602. For purposes of the Employment Security

Law, unless the context otherwise requires:

(1) Base period shall mean the last four completed calendar quarters immediately preceding the first day of an individual's benefit year, except that the commissioner may prescribe by rule and regulation that base period shall mean the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year;

(2) Benefits shall mean the money payments payable to an individual with respect to his or her unemployment;

(3) Benefit year, with respect to any individual, shall mean the one-year period beginning with the first day of the first week with respect to which the individual first files a valid claim for benefits, and thereafter the one-year period beginning with the first day of the first week with respect to which the individual next files a valid claim for benefits after the termination of his or her last preceding benefit year. Any claim for benefits made in accordance with section 48-629 shall be deemed to be a valid claim for the purpose of this subdivision if the individual has been paid the wages for insured work required under section 48-627. For the purposes of this subdivision a week with respect to which an individual files a valid claim shall be deemed to be in, within, or during that benefit year which includes the greater part of such week;

(4) Calendar quarter shall mean the period of three consecutive calendar months ending on March 31, June 30, September 30, or December 31, or the equivalent thereof as the Commissioner of Labor may by rule and regulation prescribe;

(5) Commissioner shall mean the Commissioner of Labor;

(6) Contributions shall mean the money payments to the state Unemployment Compensation Fund as required by sections 48-648 and 48-649;

(7) Department shall mean the Department of Labor;

(8) Employee leasing company shall mean an independently established business entity which engages in the business of providing leased employees to a client-lessee. Client-lessee shall mean any other employer, individual, organization, partnership, limited liability company, corporation, or other legal entity;

(9) Employment office shall mean a free public employment office or branch thereof, operated by this state or maintained as a part of a state-controlled system of public employment offices, including public employment offices operated by an agency of a foreign government;

(10) Fund shall mean the Unemployment Compensation Fund established by section 48-617 to which all contributions and payments in lieu of contributions required and from which

all benefits provided shall be paid;

(11) Hospital shall mean an institution which has been licensed, certified, or approved by the Department of Health as a hospital;

(12) Institution of higher education shall mean an institution which: (a) Admits as regular students only individuals having a certificate of graduation from a high school or the recognized equivalent of such a certificate; (b) is legally authorized in this state to provide a program of education beyond high school; (c) provides an educational program for which it awards a bachelor's degree or higher or provides a program which is acceptable for full credit toward such a degree, a program of postgraduate or postdoctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation; and (d) is a public or other nonprofit institution; notwithstanding any of the foregoing provisions of this subdivision, all colleges and universities in this state are institutions of higher education for purposes of this section;

(13) Insured work shall mean employment for employers;

(14) Leave of absence shall mean any absence from work: (a) Mutually and voluntarily agreed to by the employer and the employee; (b) mutually and voluntarily agreed to between the employer and the employee's bargaining agent; or (c) to which the employee is entitled to as a matter of state or federal law;

~~(14)~~ (15) Payments in lieu of contributions shall mean the money payments to the Unemployment Compensation Fund required by sections 48-649, 48-652, 48-660.01, and 48-661;

~~(15)~~ (16) State includes, in addition to the states of the United States of America, any dependency of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, and the District of Columbia;

(17) Unemployed shall mean an individual during any week in which the individual performs no service and with respect to which no wages are payable to the individual or any week of less than full-time work if the wages payable with respect to such week are less than the individual's weekly benefit amount, but shall not include any individual on a leave of absence;

(18) ~~(16)~~ Wages, except with respect to services performed in employment as provided in subdivisions (4)(c) and (d) of section 48-604, shall mean all remuneration for personal services, including commissions and bonuses and the cash value of all remunerations in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash shall be estimated and determined in accordance with

rules and regulations prescribed by the commissioner. After December 31, 1985, wages shall include tips which are received while performing services which constitute employment and which are included in a written statement furnished to the employer pursuant to section 6053(a) of the Internal Revenue Code of 1954, as amended. With respect to services performed in employment in agricultural labor as is provided in subdivision (4)(c) of section 48-604 or in domestic service as is provided in subdivision (4)(d) of section 48-604, wages shall mean cash remuneration for such services, except that as used in sections 48-648 and 48-649 only, prior to January 1, 1978, the term wages shall not include that part of the remuneration which, after remuneration equal to four thousand two hundred dollars, subsequent to December 31, 1977, after remuneration equal to six thousand dollars, and subsequent to December 31, 1982, after remuneration equal to seven thousand dollars has been paid to an individual by an employer or by the predecessor of such employer with respect to employment within this or any other state during any calendar year, is paid to such individual by such employer during such calendar year, unless that part of the remuneration is subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund.

The term wages shall not include: (a) The amount of any payment, including any amount paid by an employer for insurance or annuities or into a fund to provide for such payment, made to, or on behalf of, an individual in employment or any of his or her dependents under a plan or system established by an employer which makes provision for such individuals generally or for a class or classes of such individuals, including any amount paid by an employer for insurance or annuities or into a fund to provide for any such payment, on account of (i) sickness or accident disability, except, in the case of payments made to an employee or any of his or her dependents, subdivision ~~(16)(a)(i)~~ (18)(a)(i) of this section shall exclude from wages only payments which are received under a workers' compensation law, (ii) medical and hospitalization expenses in connection with sickness or accident disability, or (iii) death; (b) the payment by an employer, without deduction from the remuneration of the employee, of the tax imposed upon an employee under section 3101 of the Internal Revenue Code of 1954, as amended; (c) any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employer to, or on behalf of, an individual after the expiration of six calendar months following the last calendar month in which such individual worked for such employer; (d) any payment made to,

or on behalf of, an individual or his or her beneficiary (i) from or to a trust described in section 401(a) of the Internal Revenue Code of 1954 which is exempt from tax under section 501(a) of the Internal Revenue Code of 1954 at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust or (ii) under or to an annuity plan which, at the time of such payment, meets the requirements of section 401 of the Internal Revenue Code of 1954; (e) any payment made to, or on behalf of, an employee or his or her beneficiary: (i) Under a simplified employee pension as defined by the commissioner; (ii) under or to an annuity contract as defined by the commissioner, other than a payment for the purchase of such contract which is made by reason of a salary reduction agreement, whether evidenced by a written instrument or otherwise; (iii) under or to an exempt governmental deferred compensation plan as defined by the commissioner; (iv) to supplement pension benefits under a plan or trust, as defined by the commissioner, to take into account some portion or all of the increase in the cost of living since retirement, but only if such supplemental payments are under a plan which is treated as a welfare plan; or (v) under a cafeteria benefits plan; and (f) remuneration paid in any medium other than cash to an individual for service not in the course of the employer's trade or business;

(19) ~~(17)~~ Week shall mean such period of seven consecutive days as the commissioner may by rule and regulation prescribe; and

(20) ~~(18)~~ Week of unemployment with respect to any individual shall mean any week during which he or she performs less than full-time work and the wages payable to him or her with respect to such week are less than his or her weekly benefit amount.".

2. On page 22, line 7, strike "and" and show as stricken; and in line 25 before the period insert "; and

(l) For any week during which the individual is on a leave of absence".

3. Renumber the remaining sections accordingly.

The Coordsen amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 941. E & R amendment, AM5665, found in the Journal on page 778, was adopted.

Mr. Bromm renewed his pending amendment, AM3691, found in the Journal on page 1127.

Pending.

LEGISLATIVE BILL 884. E & R amendment, AM5674, found in the Journal on page 814, was adopted.

Mr. Kristensen renewed his pending amendment, AM3422, printed separately from the Journal and referred to on page 919.

Mr. Kristensen renewed his pending amendment, AM3663, found in the Journal on page 1116, to his pending amendment.

The Kristensen amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

The Kristensen amendment, as amended, was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 979. E & R amendment, AM5671, found in the Journal on page 815, was adopted.

Mr. Landis renewed his pending amendment, AM3611, on file in the Clerk's office and referred to on page 1080.

The Landis amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 913. Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 1290 in the Journal. No objections. So ordered.

AM3675

1. Insert the following new section:

"Section 1. That section 79-3804, Revised Statutes Supplement, 1992, be amended to read as follows:

79-3804. (1) Beginning in fiscal year 1990-91,

twenty percent of the projected state income tax receipts shall be dedicated to the use and support of the public school system to provide support for the distribution of state aid to districts as determined in subsections (2) through ~~(4)~~ (5) of this section and sections 79-3806 to 79-3813.

(2) Not later than November 15 of each year, the Tax Commissioner shall certify to the department for the second preceding tax year (a) twenty percent of the income tax liability of resident individuals for each Class I, II, III, IV, or V district in the state in which ten or more resident individual income tax returns were filed and (b) twenty percent of the income tax liability of resident individuals of all Class I, II, III, IV, and V districts in which less than ten resident individual income tax returns were filed, together with a list of such districts and funds.

(3) Using the data certified by the Tax Commissioner pursuant to subsection (2) of this section, the department shall calculate each district's allocated income tax funds as follows: (a) Each district identified in subdivision (2)(b) of this section shall be preliminarily allocated a share of the sum total income tax liability certified pursuant to such subdivision based on its pro rata share of the total adjusted valuation of all such districts; and (b) each district identified in subdivision (2)(a) of this section shall receive the following allocations of certified income tax liability:

(i) For each Class II, III, IV, or V district, the allocated income tax funds shall be the certified income tax liability;

(ii) For each Class I district which is not part of a Class VI district, 61.3793 percent of the certified income tax liability shall be allocated to such Class I district, with the remainder allocated to the nonresident high school tuition fund to which any portion of the Class I district belongs and to any high school district or districts with which any portion of the Class I district has affiliated. When the Class I district is a joint district or has partially affiliated with one or more high school districts, such remainder shall be allocated to the nonresident high school tuition fund of each county in which the Class I district has property and to the affiliated high school district or districts based on each county's and each affiliated high school district's pro rata share of the Class I district's total adjusted valuation;

(iii) For each Class I district which is part of a Class VI district which offers instruction in grades seven through twelve, 44.8276 percent of the certified income tax liability shall be allocated to such Class I district and the remainder shall be allocated to the Class VI district; and

(iv) For each Class I district which is part of a

Class VI district which offers instruction in grades nine through twelve, 61.3793 percent of the certified income tax liability shall be allocated to such Class I district and the remainder shall be allocated to the Class VI district.

(4) The remainder of the amount dedicated pursuant to subsection (1) of this section, which includes income tax receipts from all other entities and individual income tax liability which cannot be reasonably identified as payments from residents of specific districts, shall be determined by the Tax Commissioner for the second preceding calendar year. The Legislature shall annually appropriate an amount equal to the total income tax liability allocable to districts based on the certification of the Tax Commissioner provided pursuant to subsection (2) of this section. Based on income tax projections provided by the Nebraska Economic Forecasting Advisory Board, the Legislative Fiscal Analyst, and the Department of Revenue, the Legislature shall annually appropriate an amount approximating the remainder of such dedicated income tax receipts for the ensuing school year. The State Treasurer shall transfer such appropriated amounts to the School District Income Tax Fund for distribution pursuant to this section and to the Tax Equity and Educational Opportunities Fund for distribution to districts pursuant to the distribution prescribed in sections 79-3806 to 79-3813.

(5) Beginning with school year 1994-95, if the total amount certified by the Tax Commissioner pursuant to subsection (2) of this section is more than twenty-eight percent of the total funds appropriated to the School District Income Tax Fund and to the Tax Equity and Educational Opportunities Fund, the department shall reduce the allocated income tax funds calculated for each district pursuant to subsection (3) of this section proportionately such that the total amount paid as allocated income tax funds for the school year does not exceed twenty-eight percent of the total funds appropriated to the School District Income Tax Fund and to the Tax Equity and Educational Opportunities Fund. If such reduction in the allocated income tax funds is made, the remainder of the amount certified by the Tax Commissioner shall be distributed pursuant to sections 79-3806 to 79-3813.".

2. On page 2, line 14, strike "section" and insert "sections 79-3804 and"; and in line 15 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Mr. Chambers asked unanimous consent to print the following amendment to LB 991 in the Journal. No objections. So ordered.

AM3681

1. On page 86, strike line 22, show as stricken, and insert "GENERAL FUND 287,252,052 287,352,213"; and strike line 23, show as stricken, and insert "PROGRAM TOTAL 287,252,052 287,352,213".

2. On page 96, after line 1 insert:

"It is the intent of the Legislature that for FY1994-95 no General Funds be expended in support of the College of Law at the University of Nebraska-Lincoln.".

Mr. Chambers asked unanimous consent to print the following amendment to LB 1129 in the Journal. No objections. So ordered.

FA431

Amend Matzke amendment (AM3491)

Page 1, line 15, strike "or any brutal treatment"

Mr. Chambers asked unanimous consent to print the following amendment to LB 1129 in the Journal. No objections. So ordered.

FA432

Amend AM3491

Page 1, lines 21, 22, strike, "the alumni advisors of such organization".

Messrs. Hall and Will asked unanimous consent to print the following amendment to LB 1354 in the Journal. No objections. So ordered.

AM3699

1. On page 4, strike beginning with "and" in line 14 through "receipts" in line 20 and insert "each racetrack shall withhold an amount equal to one-fourth of one percent of such receipts, which amount shall be deducted from purses at the withholding track".

2. On page 5, line 14, strike "One-half", show as stricken, and insert "Before January 1, 1995, one-half"; in line 15 after "received" insert "under this subsection"; and in line 16 after "track" insert ", and on and after January 1, 1995, the entire amount received by a racetrack shall be used to supplement purses at the track".

Mr. Chambers asked unanimous consent to print the following amendment to LB 941 in the Journal. No objections. So ordered.

FA433

Amend Bromm amendment (AM3691)

Strike all provisions of the amendment and

On page 4, line 12, strike "thirty" and insert "twenty".

Mmes. Bohlke, Rasmussen, and McKenzie asked unanimous consent to print the following amendment to LB 1015 in the Journal. No objections. So ordered.

AM3686

(Amendments to Final Reading copy)

1. On page 2, line 14, strike "or" and after "holiday" insert ", or any day".

2. On page 3, after line 2, insert the following:

"(9) 'Holiday' means New Year's Day, January 1; Birthday of Martin Luther King, Jr., the third Monday in January; President's Day, the third Monday in February; Arbor Day, the last Friday in April; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Columbus Day, the second Monday in October; Veterans Day, November 11, and the federally recognized holiday therefor, or either of them; Thanksgiving Day, the fourth Thursday in November; the day after Thanksgiving; and Christmas Day, December 25. If any such holiday falls on Sunday, the following Monday shall be a holiday. If the date designated by the state for observance of any legal holiday enumerated in this section, except Veterans Day, is different from the date of observance of such holiday pursuant to a federal holiday schedule, the federal holiday schedule shall be observed;"; in line 3 strike "(9)", show as stricken, and insert "(10)"; in line 7 strike "(10)", show as stricken, and insert "(11)"; in line 11 strike "(11)", show as stricken and insert "(12)"; and in line 14 strike "(12)", show as stricken, and insert "(13)".

GENERAL FILE

LEGISLATIVE BILL 1188. Title read. Considered.

Standing Committee amendment, AM3354, found in the Journal on page 872, was considered.

Mr. Cudaback offered the following amendment:
AM3694

(Amendments to Standing Committee amendments, AM3354)

1. On page 1, line 18, after the underscored period insert "In cities with a population of less than ten thousand inhabitants, the following businesses shall not be considered a qualifying business:

(1) A not-for-profit corporation;

(2) A business engaged in petroleum production;

(3) A business which derives more than ten percent of its net income from the conduct of gaming or the solicitation of public participation in gaming activities; or

(4) A business which derives more than twenty-five percent of its net income from the retail sale of tobacco and the retail sale of alcoholic liquor under the provisions of the Nebraska Liquor Control Act.".

Mr. Cudaback withdrew his amendment.

The Standing Committee amendment was adopted with 26 ayes, 1 nay, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 28 ayes, 3 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 981. Title read. Considered.

Standing Committee amendment, AM4039, printed separately from the Journal and referred to on page 958, was considered.

MR. HALL PRESIDING

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1071. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1071A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1068. Title read. Considered.

Standing Committee amendment, AM3025, found in the Journal on page 655, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1310. Title read. Considered.

Standing Committee amendment, AM3086, found in the Journal on page 669, was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 900. Title read. Considered.

Standing Committee amendment, AM3158, found in the Journal on page 742, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 900A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Messrs. Wesely and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 974. Title read. Considered.

Standing Committee amendment, AM3207, found in the Journal on page 766, was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Messrs. Kristensen and Fisher withdrew their amendment, AM3440, found in the Journal on page 986.

Mr. Kristensen offered the following amendment:
AM3710

1. Strike original section 2 and insert the following new sections:

"Sec. 2. That section 9-402, Uniform Commercial Code, be amended to read as follows:

U9-402. Formal requisites of financing statement; amendments; fees; mortgage as financing statement; substantial compliance; effect.

(1) A financing statement may be in a form prescribed by the Secretary of State and is sufficient if it

gives the names of the debtor and the secured party, is signed by the debtor, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types, or describing the items, of collateral. The Secretary of State shall require that the social security number or the federal tax identification number of both the secured party and the debtor be provided on the financing statement and other related filings. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. When the financing statement covers crops growing or to be grown, the statement must also contain a description of the real estate concerned. When the financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 9-103, or when the financing statement is filed as a fixture filing (section 9-313) and the collateral is goods which are or are to become fixtures, the statement must also comply with subsection (5). A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by the debtor. A carbon, photographic or other reproduction of a security agreement or a financing statement is sufficient as a financing statement if the security agreement so provides or if the original has been filed in this state.

(2) A financing statement which otherwise complies with subsection (1) is sufficient when it is signed by the secured party instead of the debtor when it is filed to perfect a security interest in

(a) collateral already subject to a security interest in another jurisdiction when it is brought into this state, or when the debtor's location is changed to this state. Such a financing statement must state that the collateral was brought into this state or that the debtor's location was changed to this state under such circumstances; or

(b) proceeds under section 9-306 if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral; or

(c) collateral as to which the filing has lapsed; or

(d) collateral acquired after a change of name, identity or corporate structure of the debtor (subsection (7)).

(3) The Secretary of State shall prescribe a form substantially as follows to comply with subsection (1):

Name of debtor (or assignor) .....

Address .....

Name of secured party (or assignee) .....

Address ..... .

1. This financing statement covers the following

types (or items) of property:

(Describe)

..... .

2. (If collateral is crops) The above described crops are growing or are to be grown on:

(Describe real estate)

..... .

3. (If applicable) The above goods are to become fixtures on (Describe real estate) ..... and this financing statement is to be filed for record in the real estate records. (If the debtor does not have an interest of record) The name of a record owner is ..... .

4. (If products of collateral are claimed) Products of the collateral are also covered.

Signature of debtor (or assignor) .....

Signature of secured party (or assignee) ..... .

(4) Except as provided in this subsection, a ~~A~~ financing statement may be amended by filing a writing signed by both the debtor and the secured party, except that an amendment filed to show a change of the name of the secured party, the address of the secured party, or both is sufficient when it is signed only by the secured party. The Secretary of State may adopt rules and regulations for the change of a secured party's name or address on multiple financing statements by use of a single amendment, including a reasonable fee for processing of the amendment. An amendment does not extend the period of effectiveness of a financing statement. If any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment. Except as provided in this subsection, the ~~The~~ fee for such filings shall be as provided in subsection (5) of section 9-403. In this article, unless the context otherwise requires, the term "financing statement" means the original financing statement and any amendments.

(5) A financing statement covering timber to be cut or covering minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 9-103, or a financing statement filed as a fixture filing (section 9-313) where the debtor is not a transmitting utility, must show that it covers this type of collateral, must recite that it is to be filed for record in the real estate records, and the financing statement must contain a description of the real estate sufficient if it were contained in a mortgage of real estate to give constructive notice of the mortgage under the law of this state. If the debtor does not have an interest of record in the real estate, the financing statement must show the name of a record owner.

(6) A mortgage is effective as a financing statement filed as a fixture filing from the date of its recording if

(a) the goods are described in the mortgage by item or type, (b) the goods are or are to become fixtures related to the real estate described in the mortgage, (c) the mortgage complies with the requirements for a financing statement in this section other than a recital that it is to be filed in the real estate records, and (d) the mortgage is duly recorded. No fee with reference to the financing statement is required other than the regular recording and satisfaction fees with respect to the mortgage.

(7) A financing statement sufficiently shows the name of the debtor if it gives the individual, partnership, limited liability company, or corporate name of the debtor, whether or not it adds other trade names or the names of the partners or members. Where the debtor so changes his or her name or in the case of an organization its name, identity or corporate structure that a filed financing statement becomes seriously misleading, the filing is not effective to perfect a security interest in collateral acquired by the debtor more than four months after the change, unless a new appropriate financing statement is filed before the expiration of that time. A filed financing statement remains effective with respect to collateral transferred by the debtor even though the secured party knows of or consents to the transfer.

(8) A financing statement substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading. The failure to include the social security number or the federal tax identification number shall not render any filing unperfected.

Sec. 3. That original sections 9-306 and 9-402, Uniform Commercial Code, are repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

The Kristensen amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1292. Title read. Considered.

Standing Committee amendment, AM3332, found in the Journal on page 843, was considered.

Mr. Schellpeper renewed his pending amendment, AM3455, found in the Journal on page 985, to the Standing Committee amendment.

The Schellpeper amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 1 nay, 11 present and not voting, and 9 excused and not voting.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1161. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

SPEAKER WITHEM PRESIDING

SELECT FILE

LEGISLATIVE BILL 358. E & R amendment, AM5638, found in the Journal on page 538, was adopted.

Mr. Schmitt renewed his pending amendment, AM2815, found in the Journal on page 496.

The Schmitt amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Mr. Schmitt renewed his pending amendment, AM3451, found in the Journal on page 962.

The Schmitt amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 1244. Title read. Considered.

Standing Committee amendment, AM3048, found in the Journal on page 966, was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1107. Placed on Select File as amended.
E & R amendment to LB 1107:
AM5697

1. On page 1, line 14, after "also" insert "section 76-2211, Reissue Revised Statutes of Nebraska, 1943, and" and strike ", 76-2211,".

2. On page 18, line 2, strike "act", show as stricken, and insert "Real Estate Appraiser Act".

3. On page 26, line 24, after the semicolon insert "or".

4. On page 31, line 6, strike "general" and before "real" insert "general".

5. On page 33, line 6, after "or" insert "residential or general".

6. On page 49, line 28, strike "76-224.03" and insert "72-224.03".

7. On page 50, line 5, after "also" insert "section 76-2211, Reissue Revised Statutes of Nebraska, 1943, and"; and in line 6 strike ", 76-2211,".

LEGISLATIVE BILL 1183. Placed on Select File.
LEGISLATIVE BILL 1287. Placed on Select File.
LEGISLATIVE BILL 1287A. Placed on Select File.
LEGISLATIVE BILL 1243. Placed on Select File.

LEGISLATIVE BILL 1153. Placed on Select File as amended.
E & R amendment to LB 1153:
AM5696

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 2-1203, Revised Statutes Supplement, 1992, be amended to read as follows:

2-1203. The State Racing Commission shall have power to prescribe and enforce rules and regulations governing horseraces and race meetings licensed as provided in sections 2-1201 to 2-1242. Such rules and regulations shall contain criteria to be used by the commission for decisions on approving and revoking track licenses and licenses for teleracing facilities and telephonic wagering and setting racing dates.

The commission may revoke or suspend licenses issued to racing industry participants and may, in lieu of or in addition to such suspension or revocation, impose a fine in an amount not to exceed one thousand dollars upon a finding that a rule or regulation has been violated by a licensed racing

industry participant. The exact amount of the fine shall be proportional to the seriousness of the violation and the extent to which the licensee derived financial gain as a result of the violation. All fines shall be paid into a fund for alcohol and drug rehabilitation services for horseracing industry participants, which fund is hereby created.

The commission may delegate to a board of stewards such of the commission's powers and duties as may be necessary to carry out and effectuate the purposes of ~~such~~ sections 2-1201 to 2-1242. Any decision or action of such board of stewards may be appealed to the commission or reviewed by the commission on its own initiative.

Sec. 2. That section 2-1203.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1203.02. Any person applying for or holding a license to participate in or be employed at a horserace meeting licensed by the State Racing Commission shall be subject to fingerprinting and a check of his or her criminal history record information maintained by the Identification Division of the Federal Bureau of Investigation for the purpose of determining whether the commission has a basis to deny the license application or to suspend, cancel, or revoke the person's license, except that the commission shall not require a person to be fingerprinted if such person has been previously fingerprinted in connection with a license application in this state or any other state within the last five years prior to the application for such license. Any person involved in the administration or management of a racetrack, including the governing body, shall be subject to fingerprinting and a check of his or her criminal history record information maintained by the Identification Division of the Federal Bureau of Investigation. The applicant, licensee, or person involved in the administration or management of a racetrack shall pay the actual cost of any fingerprinting or check of his or her criminal history record information. The requirements of this section shall not apply to employees of ~~food or drink~~ concessions who do not work in restricted-access areas, ~~and~~ admissions employees whose duties involve only admissions ticket sales and verification or parking receipts sales and verification, and medical or emergency services personnel authorized to provide such services at the racetrack.

Sec. 3. That section 2-1207, Revised Statutes Supplement, 1993, be amended to read as follows:

2-1207. (1) Within the enclosure of any racetrack where a race or race meeting licensed and conducted under sections 2-1201 to 2-1218 is held or at a racetrack licensed to simulcast races or conduct interstate simulcasting, the parimutuel method or system of wagering on the results of the

respective races may be used and conducted by the licensee. Wagers placed through licensed teleracing facilities or by approved telephonic wagering as authorized by sections 2-1230 to 2-1242 shall be deemed to be wagers placed and accepted within the enclosure of any racetrack. Under such system, the licensee may receive wagers of money from any person present at such race or racetrack receiving the simulcast race or conducting interstate simulcasting or placed through a licensed teleracing facility or by approved telephonic wagering by any person who may legally wager on any horse in a race selected by such person to run first in such race, and the person so wagering shall acquire an interest in the total money so wagered on all horses in such race as first winners in proportion to the amount of money wagered by him or her. Such licensee shall issue to each person so wagering a certificate on which shall be shown the number of the race, the amount wagered, and the number or name of the horse selected by such person as first winner. As each race is run, at the option of the licensee, the licensee may deduct from the total sum wagered on all horses as first winners not less than fifteen percent or more than eighteen percent from such total sum, plus the odd cents of the redistribution over the next lower multiple of ten. At the option of the licensee, the licensee may deduct up to and including ~~twenty-three~~ twenty-four percent from the total sum wagered by exotic wagers as defined in section 2-1208.03. The State Racing Commission may authorize other levels of deduction on wagers conducted by means of interstate simulcasting. Each licensed racetrack shall increase the amount of deduction from the total sum wagered by exotic wagers by one percent over the amount deducted by that licensee in 1993. The licensee shall notify the commission ~~State Racing Commission~~ in writing of the percentages the licensee intends to deduct during the live race meet conducted by the licensee and shall notify the commission at least one week in advance of any changes to such percentages the licensee intends to make. The licensee shall also deduct from the total sum wagered by exotic wagers, if any, the tax plus the odd cents of the redistribution over the next multiple of ten as provided in subsection (1) of section 2-1208.04. The balance remaining on hand shall be paid out to the holders of certificates on the winning horse in the proportion that the amount wagered by each certificate holder bears to the total amount wagered on all horses in such race to run first. The licensee may likewise receive such wagers on horses selected to run second, third, or both, or in such combinations as the commission may authorize, the method, procedure, and authority and right of the licensee, as well as the deduction allowed to the licensee, to be as specified with respect to wagers upon horses selected to run first.

(2) At all race meets held pursuant to this section, the licensee shall deduct from the total sum wagered one-third of the amount over fifteen percent deducted pursuant to subsection (1) of this section on wagers on horses selected to run first, second, or third and one percent of all exotic wagers to be used to promote agriculture and horse breeding in Nebraska and for the support and preservation of horseracing pursuant to section 2-1207.01.

(3) No ~~minor~~ person under nineteen years of age shall be permitted to make any parimutuel wager, and there shall be no wagering except under the parimutuel method outlined in this section. Any person, association, or corporation who knowingly aids or abets a ~~minor~~ person under nineteen years of age in making a parimutuel wager shall be guilty of a Class IV misdemeanor.

Sec. 4. That section 2-1208, Revised Statutes Supplement, 1992, be amended to read as follows:

2-1208. For all race meetings, ~~devoted principally to running races,~~ every corporation or association licensed under the provisions of sections 2-1201 to 2-1218 shall pay the tax imposed by section 2-1208.01 and shall also pay to the State Racing Commission the sum of two-tenths of one percent of the gross sum wagered by the parimutuel method at each licensed racetrack enclosure during the calendar year and thirty cents for each person entering the grounds or enclosure of the licensee upon a ticket of admission. If tickets are issued that are good for more than one day, then the sum of thirty cents shall be paid for each person using such ticket on each day that the same is used. If any free passes or complimentary admission tickets are issued, the licensee shall pay the same tax upon such passes or complimentary tickets as if the same were sold at the regular and usual admission rate, but nothing in this section shall be construed to prohibit the issuance of tax-free passes to actual and necessary officials and employees of the licensee or other persons actually working at such racetrack. The issuance of all such tax-free passes shall be under the regulations or orders of the commission, and a list of all persons to whom such tax-free passes are issued shall be filed with the commission. For race meetings devoted principally to running live races, the licensee shall pay to the commission the sum of fifty dollars for each live racing day that the licensee serves as the host track for intrastate simulcasting and twenty-five dollars for any other live racing day. ~~four hundred dollars for each racing day of each horserace meeting if the racetrack within which such races are conducted is located in a county of two hundred thousand population or more, in counties of more than seventy-five thousand but less than two hundred thousand population, the licensee shall pay to the commission the sum~~

~~of one hundred dollars for each racing day, and in counties of not more than seventy-five thousand population, the licensee shall pay to the commission the sum of thirty dollars for each racing day. For race meetings devoted exclusively to harness races or at which the majority of the races conducted each day are harness races, every corporation or association licensed under the provisions of sections 2-1201 to 2-1218 shall pay to the State Racing Commission, for each racing day of each horserace meeting for which a license has been issued, license fees in the amount of only one-fourth of the daily fees respectively prescribed in this section for running race meetings, graduated pursuant to this section in accordance with the population of the county in which the race meeting is conducted.~~

No other license tax, permit tax, occupation tax, or excise tax or racing fee, except as provided in this section and in sections 2-1203, 2-1208.01, and 2-1242, shall be levied, assessed, or collected from any such licensee by the state or by any county, township, district, city, village, or other governmental subdivision or body having power to levy, assess, or collect any such tax or fee.

Sec. 5. That section 2-1209, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1209. Out of the funds received pursuant to section 2-1208, the expenses of the commissioners, the compensation and reasonable expenses of the secretary, assistants, and employees, ~~and their reasonable expenses,~~ and the other reasonable expenses of the ~~commission~~ State Racing Commission, including suitable furniture, equipment, supplies, and office ~~expense~~ expenses, shall first be paid. ~~, and the commission shall retain in its hands the further sum of five thousand dollars as a permanent fund out of which to pay its current expenses. No sums shall be paid out by the commission except the same be regularly audited and allowed and the allowance thereof recorded in the minutes of its meetings, and a voucher therefor be signed by its chairman and secretary~~ The commission shall maintain a reserve fund balance which shall not exceed ten percent of the appropriation for the commission for the calendar year. If the commission has unexpended funds in excess of its appropriation and authorized reserve fund balance at the end of the calendar year, such funds shall be credited to the General Fund. Sums paid out by the commission shall be subject to the general policy for disbursement of funds by agencies of the state, including regular audit.

Sec. 6. That section 2-1211, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1211. Every corporation or association licensed under sections 2-1201 to 2-1218 shall so keep its books and records as to clearly show the total number of admissions to

races conducted by it on each racing day, including the number of admissions upon free passes or complimentary tickets, and the amount received daily from admission fees and the total amount of money wagered during the race ~~meet~~, meeting, including wagers at locations to which its races were simulcast and at races which it received via simulcast from other racetracks, and shall furnish to the ~~commission~~ State Racing Commission such reports and information as it may require with respect thereto. At the end of each race ~~meet~~ meeting, the licensee shall furnish to the commission and the Governor a complete audit by a certified public accountant detailing all expenses and disbursements. Such audit shall be in the form specified by the commission and shall be filed on or before February 1 following such meet.

Sec. 7. This act shall become operative on May 5, 1994.

Sec. 8. That original sections 2-1203.02, 2-1209, and 2-1211, Reissue Revised Statutes of Nebraska, 1943, sections 2-1203 and 2-1208, Revised Statutes Supplement, 1992, and section 2-1207, Revised Statutes Supplement, 1993, and also section 2-1210, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, line 11, after the semicolon insert "to provide an operative date;".

LEGISLATIVE BILL 647. Placed on Select File as amended.
E & R amendment to LB 647:
AM5694

1. Because of the amendment of section 9-812 by Laws 1993, LB 138, section 28, and by Laws 1993, LB 563, section 24, strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The purpose of sections 1 to 4 of this act is to assist and encourage all school districts in the development, improvement, and implementation of educational programs that will serve the educational needs of learners with high ability at levels appropriate for their abilities.

Sec. 2. For purposes of sections 1 to 4 of this act:

(1) Approved programs or services shall mean programs or services that serve the educational needs of learners with high ability developed and approved under section 3 of this act;

(2) Department shall mean the State Department of Education; and

(3) Learner with high ability shall mean a student

who gives evidence of high performance capability in such areas as intellectual, creative, or artistic capacity or in specific academic fields and who requires services or activities not ordinarily provided by the school in order to develop those capabilities fully.

Sec. 3. For school year 1997-98 and each school year thereafter, each school district or educational service unit serving or contracting with a school district to provide such services shall identify learners with high ability, and each such school district or educational service unit shall, contingent upon available local, state, or federal funding, provide programs or services that will address the educational needs of the identified students at levels appropriate for the abilities of those students. The programs or services shall meet the standards of quality for programs for learners with high ability established by the department. Any school district or educational service unit shall be eligible to apply for funds from the Education Innovation Fund to be used for development and improvement of the approved programs or services of the district or unit.

Sec. 4. The department shall monitor the efforts of school districts and educational service units to implement approved programs and services and shall appoint a full-time professional employee and the necessary support staff to carry out this section.

Sec. 5. That section 9-812, Revised Statutes Supplement, 1993, be amended to read as follows:

9-812. (1) All money received from the operation of lottery games conducted pursuant to the State Lottery Act in Nebraska shall be deposited in the State Lottery Operation Trust Fund, which fund is hereby created. All payments of expenses of the operation of the lottery games shall be made from the State Lottery Operation Trust Fund, except that in accordance with legislative appropriations, money for payments for internal operating expenses of the division shall be transferred from the State Lottery Operation Trust Fund to the State Lottery Operation Revolving Fund, which fund is hereby created. All money necessary for the payment of lottery prizes shall be transferred from the State Lottery Operation Trust Fund to the State Lottery Prize Trust Fund, which fund is hereby created. The amount used for the payment of lottery prizes shall not be less than forty percent of the dollar amount of the lottery tickets which have been sold. Of the money remaining after the payment of prizes and operating expenses, the State Treasurer shall transfer from the State Lottery Operation Trust Fund to the General Fund an amount equal to the initial appropriation to the State Lottery Operation Trust Fund with interest at the rate specified in section 45-104.02, as such rate may from time to time be

adjusted. After the General Fund is repaid, at least twenty-five percent of the dollar amount of the lottery tickets which have been sold on an annualized basis shall be transferred to the Education Innovation Fund, the Solid Waste Landfill Closure Assistance Fund, the Nebraska Environmental Trust Fund, and the Compulsive Gamblers Assistance Fund. Forty-nine and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Education Innovation Fund. Beginning on July 15, 1993, and continuing through July 1, 1997, twenty-four and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Solid Waste Landfill Closure Assistance Fund and twenty-five percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act. After July 1, 1997, forty-nine and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act. One percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund to be used as provided in subsection (4) of this section.

(2) The Education Innovation Fund is hereby created. Each fiscal year beginning with fiscal year 1994-95, at least seventy-five percent of the lottery proceeds allocated to the Education Innovation Fund shall be available for disbursement. The Education Innovation Fund shall be allocated by the Governor through incentive grants to encourage the development of strategic school improvement plans by school districts for accomplishing high performance learning and to encourage schools to establish innovations in programs or practices that result in restructuring of school organization, school management, and instructional programs which bring about improvement in the quality of education. Such grants are intended to provide selected school districts, teachers or groups of teachers, nonprofit educational organizations, educational service units, or cooperatives funding for the allowable costs of implementing pilot projects and model programs.

Minigrants shall be available to school districts to support the development of strategic school improvement plans which shall include statements of purposes and goals for the districts. The plans shall also include the specific statements of improvement or strategic initiatives designed to improve quality learning for every student.

Major competitive grants shall be available to

support innovative programs which are directly related to the strategic school improvement plans. The development of a strategic school improvement plan by a school district shall be required before a grant is awarded. Annual reports shall be made by program recipients documenting the effectiveness of the program in improving the quality of education as designed in the strategic school improvement plans. Special consideration shall be given to plans which contain public or private matching funds and cooperative agreements, including agreements for in-kind services. Purposes for which incentives would be offered shall include:

(a) Professional staff development programs to provide funds for teacher and administrator training and continuing education to upgrade teaching and administrative skills;

(b) The development of strategic school improvement plans by school districts;

(c) Educational technology assistance to public schools for the purchase and operation of computers, telecommunications equipment and services, and other forms of technological innovation which may enhance classroom teaching, instructional management, and districtwide administration. Such telecommunications equipment, services, and forms of technical innovation shall be approved by the State Department of Education in consultation with the Department of Administrative Services to insure compatibility of technologies and compliance with statewide priorities;

(d) An educational accountability program to develop an educational indicators system to measure the performance and outcomes of public schools and to ensure efficiency in operations;

(e) Alternative programs for students, including underrepresented groups, at-risk students, and dropouts;

(f) Programs that demonstrate improvement of student performance against valid national and international achievement standards;

(g) Early childhood ~~education~~ and parent education which emphasizes ~~emphasize~~ child development;

(h) Programs using decisionmaking models that increase involvement of parents, teachers, and students in school management;

(i) Increased involvement of the community in order to achieve increased confidence in and satisfaction with its schools;

(j) Development of magnet or model programs designed to facilitate desegregation;

(k) Programs that address family and social issues impairing the learning productivity of students;

(l) Programs enhancing critical and higher-order

thinking capabilities;

(m) Programs which produce the quality of education necessary to guarantee a competitive work force;

(n) Programs designed to increase productivity of staff and students through innovative use of time; ~~and~~

(o) Training programs designed to benefit teachers at all levels of education by increasing their ability to work with educational technology in the classroom; and

(p) Approved programs or services under sections 1 to 4 of this act.

The Governor shall establish the Excellence in Education Council. The Governor shall appoint eleven members to the council including representatives of educational organizations, postsecondary educational institutions, the business community, and the general public, members of school boards and parent education associations, school administrators, and at least four teachers who are engaged in classroom teaching. The State Department of Education shall provide staff support for the council. The council shall have the following powers and duties:

(i) In consultation with the State Department of Education, develop and publish criteria for the awarding of grants for programs pursuant to this subsection;

(ii) Provide recommendations to the Governor regarding the selection of projects to be funded and the distribution and duration of project funding;

(iii) Establish standards, formats, procedures, and timelines for the successful implementation of approved programs funded by the Education Innovation Fund;

(iv) Assist school districts in determining the effectiveness of the innovations in programs and practices and measure the subsequent degree of improvement in the quality of education;

(v) Consider the reasonable distribution of funds across the state and all classes of school districts; and

(vi) Provide annual reports to the Governor concerning programs funded by the fund. Each report shall include the number of applicants and approved applicants, an overview of the various programs, objectives, and anticipated outcomes, and detailed reports of the cost of each program.

(3) Recipients of grants from the Education Innovation Fund shall be required to provide, upon request, such data relating to the funded programs and initiatives as the Governor deems necessary.

(4) The Compulsive Gamblers Assistance Fund is hereby created. The fund shall be administered by the Director of the Division on Compulsive Gambling to carry out the purposes of sections 9-804.01 to 9-804.05.

(5) Any money in the State Lottery Operation Trust

Fund, the State Lottery Operation Revolving Fund, the State Lottery Prize Trust Fund, the Education Innovation Fund, or the Compulsive Gamblers Assistance Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

(6) Unclaimed prize money on a winning lottery ticket shall be retained for a period of time prescribed by rules and regulations. If no claim is made within such period, the prize money shall be used at the discretion of the Tax Commissioner for any of the purposes prescribed in this section.

Sec. 6. That original section 9-812, Revised Statutes Supplement, 1993, is repealed.".

2. On page 1, line 2, strike "1992" and insert "1993; to state intent"; and in line 3 strike "high-ability students" and insert "learners with high ability".

LEGISLATIVE BILL 972. Placed on Select File.

LEGISLATIVE BILL 908. Placed on Select File as amended.
E & R amendment to LB 908:
AM5695

1. On page 1, line 2, strike "provisions and"; and strike beginning with the second "to" in line 3 through the semicolon in line 4.

(Signed) Janis M. McKenzie, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 981A. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 981, Ninety-third Legislature, Second Session, 1994; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 1061 in the Journal. No objections. So ordered.

AM3719

1. Insert the following new section:

"Section 1. That section 52-601.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

52-601.01. A person who shall perform work or

labor, or exert care or diligence, or who shall advance money or material upon personal property under a contract, expressed or implied, and who holds such property for a period of ~~one hundred eighty~~ ninety days, may dispose of the property by sale or other manner. Such disposition shall not occur until thirty days after the mailing of a written notice of the intended disposition by certified mail, return receipt requested, to the last-known address of the owner of the personal property to be disposed of, and to any lien or security interest holder of record.".

2. On page 15, line 7, strike "section" and insert "sections 52-601.01 and".

3. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill and resolution were correctly engrossed: LB 665 and LR 29CA.

Enrollment and Review Change to LB 665

The following changes, required to be reported for publication in the Journal, have been made:
ER7428

1. In the Beutler amendment, AM3582, on page 1, line 16; and page 3, line 18, the stricken matter has been reinstated.

2. In the E & R amendment, AM5675, on page 1, line 5, "to provide for the inapplicability of certain laws; to change provisions relating to frivolous actions; to repeal the original sections;" has been inserted after the second semicolon.

3. On page 1, line 1, "to amend sections 25-824 and 43-1412, Reissue Revised Statutes of Nebraska, 1943;" has been inserted after the semicolon.

Enrollment and Review Change to LR 29CA

The following changes, required to be reported for publication in the Journal, have been made:
ER7427

1. In the Pirsch et al. amendment, AM2689, on page 2, line 19, "disposition," has been struck; and in line 22 "There would be no remedies other than as specifically provided by the Legislature for the enforcement of such rights." has been inserted after the period.

(Signed) Janis M. McKenzie, Chairperson

STANDING COMMITTEE REPORT
Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

F. P. Curtiss - Nebraska Oil and Gas Conservation Commission
Ron Soper - Nebraska Oil and Gas Conservation Commission

VOTE: Aye: Senators Beutler, Bohlke, Bromm, Elmer, Jones, McKenzie, Monen, and Preister.

(Signed) Chris Beutler, Chairperson

VISITORS

Visitors to the Chamber were Dmitr Milovanov from Russia, Steven Plaatsman from the Netherlands, Belen Marron from Spain, and Elmer and Bernice Filipi from Crete; Greg Franzen and Jared Carlson from Kearney and Cecilia Falk from Lincoln; Merle Hayward from Hyannis; Senator Bromm's daughter, Jina, and Mohio, Racheede, and Aziza from Tajikastau; Jim Swanson from Alliance; Mr. and Mrs. Lonny Polacek and son, Nate, from South Sioux City; Senator Janssen's son, Nick, daughter-in-law, Susan, and grandchildren, Alex and Lauren, from Hooper; Al, Linda, and Alyson Mumm from Waterloo and Pastor Carol Taylor from Yutan; Dee Hudson from Gothenburg; Dr. Schlabitz, wife, Natalie, and children, Matt, Kara, and Renae, from Hooper; and Kai Seeliger from Dusseldorf, Germany and Sharon Meyer from Gothenburg.

The Doctor of the Day was James Blomgren from Lincoln.

ADJOURNMENT

At 2:32 p.m., on a motion by Mrs. McKenzie, the Legislature adjourned until 9:00 a.m., Monday, March 14, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTIETH DAY - MARCH 14, 1994

LEGISLATIVE JOURNAL

FORTIETH DAY - MARCH 14, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 14, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor James Hardy, Florence Christian Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Cudaback and Mrs. Hillman who were excused; and Messrs. Abboud, Beutler, Chambers, Elmer, Kristensen, Lindsay, Moore, Robinson, Warner, Will, Mrs. Bohlke, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-ninth day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 330. Read. Considered.

LEGISLATIVE RESOLUTION 331. Read. Considered.

LEGISLATIVE RESOLUTION 332. Read. Considered.

LEGISLATIVE RESOLUTION 333. Read. Considered.

LEGISLATIVE RESOLUTION 334. Read. Considered.

LEGISLATIVE RESOLUTION 335. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 330, 331, 332, 333, 334, and 335 were adopted with 24 ayes, 0 nays, and 25 not voting.

GENERAL FILE

LEGISLATIVE BILL 1222. Title read. Considered.

Standing Committee amendment, AM3209, found in the Journal on page 767, was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Mr. Withem withdrew his amendment, AM3373, found in the Journal on page 861.

Mr. Landis renewed his pending amendment, AM3445, found in the Journal on page 981.

The Landis amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1222A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1044. Title read. Considered.

Standing Committee amendment, AM3236, found in the Journal on page 777, was considered.

Mr. Kristensen withdrew his amendment, AM3319, found in the Journal on page 821.

Mr. Kristensen renewed his pending amendment, AM4000, found in the Journal on page 892, to the Standing Committee amendment.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

The Kristensen amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA434
Amend Committee amendments:

In line 3, strike "Any" and insert "Such".

The Chambers amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Chambers offered the following amendment:
FA435

Page 2, line 14, strike "Such" and insert, "Except in a county containing a city of the metropolitan class, such"

The Chambers amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

MR. HALL PRESIDING

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 33:

Abboud	Dierks	Jones	Moore	Vrtiska
Bohlke	Elmer	Kristensen	Pedersen	Wehrbein
Bromm	Engel	Landis	Preister	Wickersham
Byars	Hall	Lindsay	Robinson	Will
Coordsen	Hartnett	Lynch	Schellpeper	Witek
Crosby	Hudkins	Matzke	Schmitt	Withem
Day	Janssen	McKenzie		

Voting in the negative, 3:

Chambers	Pirsch	Robak

Present and not voting, 8:

Ashford	Bernard-Stevens	Beutler	Monen	Wesely
Avery		Fisher	Rasmussen	

Excused and not voting, 5:

Cudaback	Haberman	Hillman	Schimek	Warner

Advanced to E & R for review with 33 ayes, 3 nays, 8 present and not voting, and 5 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 336. Introduced by McKenzie, 34.

WHEREAS, the Sandy Creek High School boys' basketball team won the Class C-1 Boys' State High School Basketball Championship; and

WHEREAS, the team won twenty-two of twenty-four games played this season; and

WHEREAS, this was the Sandy Creek High School boys' basketball team's tenth trip to the championship; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Sandy Creek High School boys' basketball team be congratulated for their exemplary effort this season and in the Boys' State High School Basketball Tournament.

2. That a copy of this resolution be sent to Coach Dave Barrett and the Sandy Creek High School.

Laid over.

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE RESOLUTION 79. Reported to the Legislature for further consideration.

(Signed) Chris Beutler, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1290. Placed on Select File.

Correctly Reengrossed

The following bill was correctly reengrossed: 511.

Correctly Engrossed

The following bill was correctly engrossed: 683.

Enrollment and Review Change to LB 683

The following changes, required to be reported for publication in the Journal, have been made:
ER7429

1. In the Warner amendment, AM3497:

a. On page 2, line 23, "Incremental increase shall mean an increase in appropriation or expenditure of tax funds designated by the Legislature of at least the minimum capital expenditure for a facility's operations and maintenance costs, beyond any increase due to inflation, to pay for a capital structure's operations and maintenance costs that are a direct result of a capital construction project; and

(iii)" has been inserted after "(ii)";

b. On page 3, line 8, "and" has been struck and "index and any" inserted; and the matter beginning with "and" in line 13 through the semicolon in line 20 and all amendments thereto have been struck;

c. On page 6, line 19, the matter beginning with the comma through "requires" has been struck and shown as stricken;

d. On page 9, line 18, "the" has been struck and shown as stricken; and

e. On page 10, the matter beginning with "line" in line 7 through "in" in line 8 has been struck; and in line 9 "85-971, 85-973," has been inserted after "sections".

2. In the E & R amendment, AM5677:

a. On page 12, line 11, "subsection" has been struck and "subdivision" inserted;

b. On page 39, line 8, ", 85-968, 85-970," has been inserted after "85-931"; in line 11 "85-969, 85-974, 85-975, 85-976, 85-979," has been inserted after the first comma and "85-1402," has been inserted after the third comma; in line 22, "to redefine terms;" has been inserted after the semicolon; in line 24 "to change, transfer, and eliminate provisions relating to an information system;" has been inserted after the semicolon; and in line 25 "to provide duties for the Revisor of Statutes;" has been inserted after the second semicolon; and

c. On page 40, line 1, "section" has been struck and "sections 85-971, 85-973, 85-977, 85-978, and" inserted.

(Signed) Janis M. McKenzie, Chairperson

GENERAL FILE

LEGISLATIVE BILL 718. Title read. Considered.

SPEAKER WITHEM PRESIDING

Mr. Wesely renewed his pending amendment, AM3500, found in the Journal on page 985.

Messrs. Kristensen, Elmer, and Fisher asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

VISITORS

Visitors to the Chamber were 13 students and teacher from Clarkson High School; nine seniors from Litchfield High School; Mr. Chao-chia Chang from Taiwan, Ms. Matelita Nagatalevu and Mr. Sakiusa Rabuka from Fiji, Mr. Dilan Perera from Sri Lanka, Mr. Som Bahadur Thapa from Nepal, and Dr. Christy Jensen from California; and eighth grade students and sponsor from District 10 School, Columbus.

RECESS

At 12:00 noon, on a motion by Mr. Hall, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mr. Cudaback and Mrs. Hillman who were excused; and Messrs. Bernard-Stevens, Coordsen, Dierks, Haberman, Kristensen, Vrtiska, Warner, Mses. Day, Schimek, Mmes. McKenzie, and Rasmussen who were excused until they arrive.

MRS. CROSBY PRESIDING

RESOLUTIONS

LEGISLATIVE RESOLUTION 337. Introduced by Beutler, 28.

WHEREAS, the Hardin Farms, Inc., wishes to convey to the Game and Parks Commission property located in Cherry County, Nebraska, which will be maintained as an addition to Smith Falls State Park for public outdoor recreation activities; and

WHEREAS, the Game and Parks Commission has the general authority to acquire real estate by gift with the consent of the Governor; and

WHEREAS, in the interest of promoting outdoor opportunities for Nebraskans, the Legislature wishes to grant approval for the Game and Parks Commission to obtain title to that property being conveyed by the Hardin Farms, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature approves the gift from the Hardin Farms, Inc. to the Game and Parks Commission of all of the real estate described as:

> That part of the northeast quarter of section 25, township 34 north, range 26 west of the 6th principal meridian, lying west of the east line of said quarter, south of the fence on the south side of the county road, and north and east of the center line of the Niobrara River and containing 34.0 acres, more or less.

2. That such approval is granted with the understanding that the land described shall be designated and utilized as an addition to Smith Falls State Park.

Laid over.

LEGISLATIVE RESOLUTION 338. Introduced by Ashford, 6; Lindsay, 9; Hartnett, 45; Abboud, 12; Pirsch, 10; Monen, 4; Lynch, 13; Witek, 31.

WHEREAS, the Omaha Creighton Prep basketball squad has won the Class A state championship tournament; and

WHEREAS, having compiled a record of 24-3, they have been named the state basketball champions; and

WHEREAS, throughout the year, the members of the team have complimented their talent with the characteristics of sportsmanship, determination, and diligence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature recognize and congratulate the Omaha Creighton Prep basketball team and their coaches, parents, and supporters.

2. That a copy of this resolution be sent to Scott Hawk, the head coach of the Creighton Prep basketball team.

Laid over.

REPORT

Received statement of deposits from the Department of Roads for the Highway Cash Fund and Roads Operation Cash Fund for February 1994 in compliance with section 66-4,144, R.S. Supp. 1992.

GENERAL FILE

LEGISLATIVE BILL 718. The Wesely pending amendment, AM3500, found in the Journal on page 985 and considered in this day's Journal, was renewed.

SPEAKER WITHEM PRESIDING

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. BERNARD-STEVENS PRESIDING

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Wesely moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

SPEAKER WITHEM PRESIDING

Mr. Wesely requested a roll call vote on his amendment.

Mrs. Bohlke requested the roll call vote be taken in reverse order.

Voting in the affirmative, 21:

Abboud	Bohlke	Hartnett	Lynch	Wesely
Ashford	Chambers	Kristensen	McKenzie	Will
Bernard-Stevens	Day	Landis	Pirsch	Witek
	Haberman	Lindsay	Rasmussen	Withem
Beutler	Hall			

Voting in the negative, 13:

Avery	Coordsen	Elmer	Janssen	Robinson
Bromm	Crosby	Engel	Matzke	Schmitt
Byars	Dierks	Fisher		

Present and not voting, 11:

Hudkins	Moore	Preister	Schellpeper	Wehrbein
Jones	Pedersen	Robak	Vrtiska	Wickersham
Monen				

Excused and not voting, 4:

Cudaback	Hillman	Schimek	Warner

The Wesely amendment lost with 21 ayes, 13 nays, 11 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Moore moved to reconsider the Wesely amendment, AM3500, to LB 718.

Mr. Wickersham asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Moore moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Moore requested a roll call vote on his motion to reconsider the vote on the Wesely amendment.

Voting in the affirmative, 33:

Abboud	Crosby	Hudkins	Moore	Wehrbein
Ashford	Day	Kristensen	Pedersen	Wesely
Bernard-Stevens	Engel	Landis	Pirsch	Wickersham
Beutler	Fisher	Lindsay	Rasmussen	Will
Bohlke	Haberman	Lynch	Robinson	Witek
Chambers	Hall	McKenzie	Schellpeper	Withem
	Hartnett	Monen	Vrtiska	

Voting in the negative, 1:

Byars

Present and not voting, 11:

Avery	Dierks	Janssen	Matzke	Robak
Bromm	Elmer	Jones	Preister	Schmitt
Coordsen				

Excused and not voting, 4:

Cudaback	Hillman	Schimek	Warner

The Moore motion to reconsider prevailed with 33 ayes, 1 nay, 11 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

The Wesely amendment, AM3500, found in the Journal on page 985 and considered in this day's Journal, was reconsidered.

The Wesely amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 32 ayes, 4 nays, 9 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 945. Placed on General File as amended.
Standing Committee amendment to LB 945:
AM3292

1. Strike the original sections and insert the following new sections:

"Section 1. That section 77-2734.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2734.02. (1) A tax is hereby imposed for each taxable year on the taxable income of every corporate taxpayer that is doing business in this state at a rate equal to one hundred ~~fifty-and-eight-tenths~~ seventy-three and four-tenths percent of the primary rate imposed on individuals under section 77-2701.01 on the first fifty thousand dollars of taxable income and at the rate of two hundred ~~eleven~~ forty-two and seven-tenths percent of such rate on all taxable income in excess of fifty thousand dollars. The resultant rates shall be rounded to the nearest one hundredth of one percent. ~~(a)~~ For corporate taxpayers with a fiscal year that does not coincide with the calendar year, the individual rate used for this subsection shall be the rate in effect on the first day, or the day deemed to be the first day, of the taxable year.

~~(b) For fiscal years beginning before January 1, 1968, the rate initially set shall apply for the period from January 1, 1968, to the end of that fiscal year.~~

(2) For a corporate taxpayer that is subject to tax in another state, its taxable income shall be the portion of the taxpayer's federal taxable income, as adjusted, that is determined to be connected with the taxpayer's operations in this state pursuant to sections 77-2734.05 to 77-2734.15.

(3) Each corporate taxpayer shall file only one income tax return for each taxable year.

Sec. 2. That section 77-2734.14, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2734.14. (1) The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the tax period, and the denominator of which is the total sales everywhere during the tax period.

(2) Sales of tangible personal property are in this state if:

(a) The property is delivered or shipped to a purchaser~~,~~ other than the United States Government~~,~~ within this state regardless of the f.o.b. point or other conditions of the sale; or

(b) The property is shipped from an office, store, warehouse, factory, or other place of storage in this state and ~~(i)~~ the purchaser is the United States Government. ~~or (ii) the taxpayer is not taxable in the state of the purchaser.~~

(3) Sales, other than sales of tangible personal property, are in this state if:

(a) The income-producing activity is performed in this state; or

(b) The income-producing activity is performed both in and outside this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance.

Sec. 3. This act shall become operative for all taxable years beginning or deemed to begin on or after January 1, 1994, under the Internal Revenue Code of 1986, as amended.

Sec. 4. That original sections 77-2734.02 and 77-2734.14, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

LEGISLATIVE BILL 961. Placed on General File as amended.
Standing Committee amendment to LB 961:
AM3679

1. Strike original sections 1 and 5.

2. On page 3, line 25, strike "1994" and insert "1995".

3. Renumber the remaining sections accordingly.

(Signed) George Coordsen, Vice Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 339. Introduced by Abboud, 12; Moore, 24; Kristensen, 37; Bromm, 23; Monen, 4; Hall, 7; Withem, 14; Will, 8; Wesely, 26.

WHEREAS, the Nebraska Cornhuskers mens' basketball team, under Coach Danny Nee, won the Big Eight postseason tournament championship with a 77-68 win over the Oklahoma State Cowboys; and

WHEREAS, this is the first Big Eight postseason tournament championship for the Nebraska Cornhuskers mens' basketball team in the program's ninety-eight year history; and

WHEREAS, the Nebraska Cornhuskers should be recognized for their exemplary effort in the Big Eight postseason tournament and for receiving an invitation to play in the NCAA postseason tournament.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Cornhuskers mens' basketball team and Coach Danny Nee be congratulated for their Big Eight postseason tournament championship.

2. That a copy of this resolution be sent to Coach Nee and the Nebraska Cornhuskers mens' basketball team.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 337 was referred to the Reference Committee.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1136A. Introduced by Byars, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1136, Ninety-third Legislature, Second Session, 1994.

UNANIMOUS CONSENT - Members Excused

Messrs. Bernard-Stevens, Wickersham, and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 903. Title read. Considered.

Standing Committee amendment, AM2834, found in the Journal on page 488, was considered.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Pedersen withdrew his amendment, AM4023, found in the Journal on page 931.

Messrs. Lindsay, Hartnett, Withem, Mmes. Robak, and Crosby renewed their pending amendment, AM3514, found in the Journal on page 1003, to the Standing Committee amendment.

MR. DIERKS PRESIDING

Messrs. Wesely, Haberman, and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Lindsay moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The Lindsay et al. amendment was adopted with 25 ayes, 1 nay, 12 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Lindsay renewed the Schimek-Lindsay pending amendment, AM3631, found in the Journal on page 1109, to the Standing Committee amendment.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a record vote on the Schimek-Lindsay amendment.

Voting in the affirmative, 30:

Abboud	Bromm	Fisher	Lindsay	Preister
Ashford	Byars	Hall	Matzke	Rasmussen
Avery	Coordsen	Hartnett	McKenzie	Schmitt
Bernard-Stevens	Crosby	Hudkins	Monen	Wickersham
Beutler	Elmer	Jones	Pedersen	Will
Bohlke	Engel	Kristensen	Pirsch	Withem

Voting in the negative, 1:

Robak

Present and not voting, 7:

Chambers	Janssen	Schellpeper	Vrtiska	Witek
Day	Moore			

Excused and not voting, 11:

Cudaback	Hillman	Lynch	Schimek	Wehrbein
Dierks	Landis	Robinson	Warner	Wesely
Haberman				

The Schimek-Lindsay amendment was adopted with 30 ayes, 1 nay, 7 present and not voting, and 11 excused and not voting.

Messrs. Kristensen and Bromm asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lindsay and Mrs. Crosby renewed their pending amendment, AM4022, found in the Journal on page 920, to the Standing Committee amendment.

Messrs. Coordsen and Vrtiska asked unanimous consent to be excused. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Elmer asked unanimous consent to have his name added as cointroducer to LB 1292. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mrs. Bohlke and Mr. Monen asked unanimous consent to print the following amendment to LB 991 in the Journal. No objections. So ordered.

AM3702

1. On page 36, line 5, strike "409,944,812" and insert "417,944,812"; in line 10 strike "411,188,884" and insert "419,188,884"; and in line 15 strike "$405,610,202", show as stricken, and insert "$413,610,202".

2. On page 37, line 22, strike "$6,895,000", show as stricken, and insert "$14,895,000".

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 446A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 446, Ninety-third Legislature, Second Session, 1994.

LEGISLATIVE BILL 1359A. Introduced by Preister, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1359, Ninety-third Legislature, Second Session, 1994.

LEGISLATIVE BILL 1213A. Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1993, LB 138A, section 8; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1213, Ninety-third Legislature, Second Session, 1994; to transfer appropriations; to repeal the original section; and to declare an emergency.

VISITORS

Visitors to the Chamber were Senator Haberman's son, George; and 15 foreign exchange students from Bruggen, Schwalmtal, Niederkruchten, and Elmpt, Germany.

The Doctor of the Day was Bruce Gfellor from Lincoln.

ADJOURNMENT

At 4:50 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Tuesday, March 15, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-FIRST DAY - MARCH 15, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 15, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Francis Schmidt, District Superintendent Methodist Conference.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Messrs. Ashford, Avery, Bromm, Chambers, Coordsen, Hall, Kristensen, Landis, Lindsay, Matzke, Monen, Moore, Robinson, Warner, Will, Ms. Day, Mmes. Hudkins, and Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fortieth day was approved.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 1261. Placed on General File as amended.
Standing Committee amendment to LB 1261:
AM3510

1. Strike original section 13 and insert the following new section:

"Sec. 13. Upon the request of the department, the Attorney General or appropriate county attorney shall institute without delay an action in the name of the state for proceedings appropriate against any business entity or person to restrain or prevent any violation of the Environmental Lead

Hazard Control Act or of any rules and regulations adopted and promulgated pursuant to the act.".

2. On page 2, strike lines 19 and 20 and insert:

"(6) Industrial facility shall mean a business entity involved in a manufacturing process which produces a product;".

3. On page 3, line 2, after "include" insert "(a)"; in line 5 after "less" insert ", (b) any activities performed within the plant boundaries of an industrial facility as a normal and customary part of the facility's operations, which activities are subject to regulation under federal and state worker safety and hygiene requirements, or (c) any activities of a public power district or public power and irrigation district organized pursuant to Chapter 70, article 6, any rural power district organized pursuant to Chapter 70, article 8, any municipal utility organized pursuant to Chapter 15, article 2, or any metropolitan utilities district operated pursuant to Chapter 14, article 21, which activities are subject to regulation under federal and state worker safety and hygiene requirements,"; in line 14 strike "nonfriable-lead-contaminated" and insert "lead-contaminated"; and in line 22 strike "friable-lead-containing" and insert "lead-containing".

4. On page 4, strike lines 2 through 4 and insert "lead-containing materials;".

5. On page 6, strike lines 7 through 12; in line 13 strike "(h)" and insert "(f)"; in line 17 strike "(i)" and insert "(g)" and strike beginning with "or" through "course"; in line 22 strike "(j)" and insert "(h)"; and in line 27 strike "(k)" and insert "(i)".

LEGISLATIVE BILL 1349. Placed on General File as amended.
Standing Committee amendment to LB 1349:
AM3609

1. Strike the original sections and insert the following new sections:

"Section 1. For purposes of sections 2 to 7 of this act, land pollution and water pollution shall have the same meanings as in section 81-1502.

Sec. 2. There is hereby created the Remedial Action Plan Monitoring Fund which shall be administered by the Department of Environmental Quality. The fund shall be used by the department to:

(1) Receive funds paid by public and private entities to finance department administration and oversight of remedial action plans for land pollution or water pollution;

(2) Provide funds for the department to offset expenses incurred in monitoring remedial action plans for land pollution or water pollution as submitted by public and

private entities; and

(3) Receive a one-time General Fund appropriation in an amount not to exceed one hundred thousand dollars for costs associated with the implementation of sections 1 to 7 of this act.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 3. The Environmental Quality Council shall adopt and promulgate rules and regulations necessary to carry out sections 1 to 7 of this act.

Sec. 4. In order for entities to qualify for monitoring of remedial action plans for land pollution or water pollution, the entity shall:

(1) Submit a remedial action plan on a form approved by the department which conforms with procedures approved by the department;

(2) Provide the department with documentation regarding the land pollution or water pollution site, including, when appropriate, information indicating that the applicant holds or can acquire title to all lands or has the necessary easements and rights-of-way for the project and related lands;

(3) Provide a plan for the proposed project, including project monitoring reports, appropriate engineering, scientific, and financial feasibility data, and other data and information as may be required by the department;

(4) Provide a payment plan and schedule for the reimbursement of all department expenses related to monitoring the progress of the remedial action plan, including expenses to review and evaluate the proposed plan;

(5) Demonstrate that the remedial action plan conforms with federal Environmental Protection Agency standards. However, nothing in this subdivision shall be construed to require that the department make any determination that such plan conforms with such standards; and

(6) Provide the department with an application fee of five thousand dollars and a participation fee of five thousand dollars. The application fee shall be used by the department to offset the expenses referred to in subdivision (4) of this section. The participation fee shall be used by the department to reimburse the General Fund as such fund is impacted by activities conducted pursuant to sections 1 to 7 of this act.

Sec. 5. Upon the receipt of an application for the monitoring of a remedial action plan for land pollution or water pollution pursuant to section 4 of this act, the Department of Environmental Quality shall evaluate and investigate all aspects of the proposed project, the proposed

schedule for completion, and the proposed reimbursement schedule and shall determine if the remedial action plan is eligible for department monitoring. If the department determines that an application is unsatisfactory or does not contain adequate information, the department shall return the application to the applicant and may make recommendations to the applicant which the department considers necessary to make the plan, the reimbursement schedule, or the application satisfactory. If the department approves the application, the department shall execute an agreement with the applicant for department monitoring and payments by the applicant.

Sec. 6. If the provisions set forth in sections 1 to 7 of this act and any rules and regulations adopted and promulgated thereunder are met and the applicant has remitted all applicable fees, the department shall issue to the applicant a letter stating that no further action need be taken at the site related to any contamination for which remedial action has been taken in accordance with the approved remedial action plan. Such letter shall provide that the department may require the person to conduct additional remedial action in the event that any monitoring conducted at or near the real property or other circumstances indicate that additional contamination is present which was not identified pursuant to section 4 or 5 of this act or for which remedial action was not taken according to the remedial action plan.

Sec. 7. Sections 1 to 6 of this act shall not be construed as an acceptance of liability by the State of Nebraska for activities conducted pursuant to such sections. Entities proceeding under such sections shall indemnify and hold harmless the State of Nebraska for any further action required by the federal Environmental Protection Agency relating to land pollution or water pollution by an entity.

Sec. 8. This act shall become operative on January 1, 1995.".

(Signed) Chris Beutler, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 340. Introduced by Bromm, 23.

WHEREAS, the Schuyler High School girls' basketball team won the Class B girls' Basketball Tournament with a 42-35 victory over Omaha Roncalli; and

WHEREAS, the Schuyler High School girls' basketball team established a Class B tournament scoring record with 84 points against Imperial during the opening round game; and

WHEREAS, the Schuyler High School girls' basketball team was runner-up in the Class B championship in 1993 and has a final record of 25-1 for the 1993-94 season.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its congratulations to Coach Lyndon Beebe and Schuyler High School girls' basketball team members Kelly Hrouda, Naomi Babel, Alissa Vodehnal, Cheryl Neesen, Kathy Jedlicka, Laura Jedlicka, Darcy Jones, Janelle Miratsky, Tonya Broughn, Becky Wilshusen, Erika Bieber, and Brandy Trofholz for winning the 1994 Class B state championship.

2. That a copy of this resolution be sent to Coach Beebe and the members of the Schuyler High School girls' basketball team.

Laid over.

MOTION - Approve Appointments

Mr. Beutler moved the adoption of the report of the Natural Resources Committee for the following Governor appointments found in the Journal on page 1181: F. P. Curtiss and Ron Soper - Nebraska Oil and Gas Conservation Commission.

Voting in the affirmative, 25:

Abboud	Dierks	Hartnett	Pedersen	Wehrbein
Bernard-Stevens	Elmer	Janssen	Pirsch	Wesely
Beutler	Engel	Jones	Preister	Wickersham
Byars	Fisher	Lynch	Schimek	Witek
Crosby	Haberman	McKenzie	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 5:

Bohlke	Cudaback	Robak	Schellpeper	Vrtiska

Excused and not voting, 19:

Ashford	Coordsen	Hudkins	Matzke	Robinson
Avery	Day	Kristensen	Monen	Warner
Bromm	Hall	Landis	Moore	Will
Chambers	Hillman	Lindsay	Rasmussen	

These appointments were confirmed with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: 330, 331, 332, 333, 334, and 335.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1017.

A BILL FOR AN ACT relating to ground water management plans; to amend section 46-673.14, Revised Statutes Supplement, 1992; to change a provision relating to amendment of a plan; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Abboud	Crosby	Hartnett	Pedersen	Vrtiska
Bernard-Stevens	Cudaback	Hudkins	Pirsch	Wehrbein
Beutler	Dierks	Janssen	Preister	Wesely
Bohlke	Elmer	Jones	Robak	Wickersham
Byars	Engel	Lynch	Schellpeper	Witek
Coordsen	Fisher	Matzke	Schimek	Withem
	Haberman	McKenzie	Schmitt	

Voting in the negative, 0.

Excused and not voting, 16:

Ashford	Day	Kristensen	Monen	Robinson
Avery	Hall	Landis	Moore	Warner
Bromm	Hillman	Lindsay	Rasmussen	Will
Chambers				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Wickersham asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 883.

A BILL FOR AN ACT relating to real estate licensees; to state intent; to define terms; to provide for fiduciary obligations of a licensee to a client; to provide for single agents, subagents, dual agents, and other relationships between a licensee and a client; to require and prohibit disclosure of certain information; to require policies and provide procedures; to require rules and regulations; to provide operative dates; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud	Coordsen	Haberman	Matzke	Schellpeper
Ashford	Crosby	Hartnett	McKenzie	Schimek
Bernard-Stevens	Cudaback	Hudkins	Pedersen	Schmitt
Beutler	Day	Janssen	Pirsch	Vrtiska
Bohlke	Dierks	Jones	Preister	Wehrbein
Bromm	Elmer	Kristensen	Rasmussen	Wesely
Byars	Engel	Lindsay	Robak	Witek
Chambers	Fisher	Lynch	Robinson	Withem

Voting in the negative, 0.

Excused and not voting, 9:

Avery	Hillman	Monen	Warner	Will
Hall	Landis	Moore	Wickersham	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 883A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 883, Ninety-third Legislature, Second Session, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Bernard-Stevens	Bohlke	Chambers	Cudaback
Ashford	Beutler	Bromm	Coordsen	Day
		Byars	Crosby	Dierks

Elmer	Janssen	McKenzie	Robak	Vrtiska
Engel	Jones	Monen	Robinson	Wehrbein
Fisher	Kristensen	Pedersen	Schellpeper	Wesely
Haberman	Lindsay	Pirsch	Schimek	Witek
Hartnett	Lynch	Preister	Schmitt	Withem
Hudkins	Matzke	Rasmussen		

Voting in the negative, 0.

Excused and not voting, 8:

Avery	Hillman	Moore	Wickersham	Will
Hall	Landis	Warner		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 980.

A BILL FOR AN ACT relating to documents; to amend sections 45-156 and 45-336, Reissue Revised Statutes of Nebraska, 1943, and section 25-12,112, Revised Statutes Supplement, 1992; to change a provision relating to preservation of records; to require the return and cancellation of copies of loan and installment sales documents; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Coordsen	Hall	McKenzie	Schellpeper
Ashford	Crosby	Hartnett	Monen	Schimek
Bernard-Stevens	Cudaback	Hudkins	Pedersen	Schmitt
Beutler	Day	Janssen	Pirsch	Vrtiska
Bohlke	Dierks	Jones	Preister	Wehrbein
Bromm	Elmer	Kristensen	Rasmussen	Wesely
Byars	Engel	Lindsay	Robak	Witek
Chambers	Fisher	Lynch	Robinson	Withem
	Haberman	Matzke		

Voting in the negative, 0.

Excused and not voting, 7:

Avery	Landis	Warner	Wickersham	Will
Hillman	Moore			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 611.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-144, Reissue Revised Statutes of Nebraska, 1943, and section 8-101, Revised Statutes Supplement, 1993; to provide and eliminate certain bank insider lending limit provisions as prescribed; to define terms; to provide a penalty; to provide powers for the Director of Banking and Finance; to harmonize provisions; and to repeal the original sections, and also section 8-140, Revised Statutes Supplement, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud	Crosby	Hall	Lynch	Robak
Ashford	Cudaback	Hartnett	Matzke	Schellpeper
Bernard-Stevens	Day	Hudkins	McKenzie	Schmitt
Bohlke	Dierks	Janssen	Monen	Vrtiska
Bromm	Elmer	Jones	Pedersen	Wehrbein
Byars	Engel	Kristensen	Pirsch	Wesely
Coordsen	Fisher	Landis	Preister	Witek
	Haberman	Lindsay	Rasmussen	Withem

Voting in the negative, 1:

Chambers

Present and not voting, 3:

Beutler	Robinson	Schimek

Excused and not voting, 6:

Avery	Moore	Warner	Wickersham	Will
Hillman				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 642.

A BILL FOR AN ACT relating to real property; to require a disclosure statement for certain residential real property sales; to provide a cause

of action for failure to provide the disclosure statement; to define terms; and to require rules and regulations.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Abboud	Elmer	Janssen	McKenzie	Robinson
Beutler	Engel	Kristensen	Monen	Schellpeper
Bohlke	Fisher	Landis	Moore	Schimek
Byars	Haberman	Lindsay	Pedersen	Schmitt
Crosby	Hartnett	Lynch	Rasmussen	Vrtiska
Day	Hudkins	Matzke	Robak	Wehrbein
Dierks				

Voting in the negative, 12:

Ashford	Bromm	Cudaback	Pirsch	Witek
Bernard-Stevens	Chambers	Hall	Wesely	Withem
	Coordsen	Jones		

Present and not voting, 1:

Preister

Excused and not voting, 5:

Avery	Hillman	Warner	Wickersham	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 642A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 642, Ninety-third Legislature, Second Session, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Bernard-Stevens	Bohlke	Coordsen	Day
Ashford	Beutler	Bromm	Crosby	Dierks
		Byars	Cudaback	Elmer

Engel	Jones	McKenzie	Robak	Vrtiska
Fisher	Kristensen	Monen	Robinson	Wehrbein
Haberman	Landis	Moore	Schellpeper	Wesely
Hartnett	Lindsay	Pedersen	Schimek	Witek
Hudkins	Lynch	Pirsch	Schmitt	Withem
Janssen	Matzke	Rasmussen		

Voting in the negative, 2:

Chambers Hall

Present and not voting, 1:

Preister

Excused and not voting, 5:

Avery	Hillman	Warner	Wickersham	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 929.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-696, Revised Statutes Supplement, 1993; to require certain actions by the driver of a vehicle which collides with an unattended vehicle; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud	Coordsen	Hall	Matzke	Robinson
Ashford	Crosby	Hartnett	McKenzie	Schellpeper
Bernard-Stevens	Cudaback	Hudkins	Monen	Schimek
	Day	Janssen	Moore	Schmitt
Beutler	Dierks	Jones	Pedersen	Wehrbein
Bohlke	Elmer	Kristensen	Pirsch	Wesely
Bromm	Engel	Landis	Preister	Witek
Byars	Fisher	Lindsay	Rasmussen	Withem
Chambers	Haberman	Lynch	Robak	

Voting in the negative, 0.

Present and not voting, 1:

Vrtiska

Excused and not voting, 5:

Avery Hillman Warner Wickersham Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1116.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-2313, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the elective share of a spouse of a nonresident decedent when real estate in this state is involved; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Crosby	Hartnett	McKenzie	Schellpeper
Ashford	Cudaback	Hudkins	Monen	Schimek
Bernard-Stevens	Day	Janssen	Moore	Schmitt
Beutler	Dierks	Jones	Pedersen	Vrtiska
Bohlke	Elmer	Kristensen	Pirsch	Wehrbein
Bromm	Engel	Landis	Preister	Wesely
Byars	Fisher	Lindsay	Rasmussen	Witek
Coordsen	Haberman	Lynch	Robak	Withem
	Hall	Matzke	Robinson	

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 5:

Avery Hillman Warner Wickersham Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 76A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

MR. HALL PRESIDING

LEGISLATIVE BILL 817A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 971A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 981A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 988A. Title read. Considered.

Mr. Bernard-Stevens renewed his pending amendment, AM3592, found in the Journal on page 1106.

The Bernard-Stevens amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1160A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1275A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 903. The Lindsay-Crosby pending amendment, AM4022, found in the Journal on page 920 and considered on page 1195, to the pending Standing Committee amendment, was renewed.

SPEAKER WITHEM PRESIDING

Mr. Landis and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 1017, 883, 883A, 980, 611, 642, 642A, 929, and 1116.

GENERAL FILE

LEGISLATIVE BILL 903. The Lindsay-Crosby pending amendment, AM4022, found in the Journal on page 920, considered on page 1995 and in this day's Journal, to the Standing Committee amendment, was renewed.

Mmes. McKenzie and Hudkins asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lindsay moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Chambers requested a roll call vote on the Lindsay-Crosby amendment to the Standing Committee amendment.

Voting in the affirmative, 30:

Abboud	Coordsen	Hall	Matzke	Schimek
Ashford	Crosby	Hartnett	Monen	Vrtiska
Avery	Day	Janssen	Pedersen	Wehrbein
Beutler	Dierks	Kristensen	Preister	Wesely
Bromm	Elmer	Landis	Rasmussen	Wickersham
Byars	Engel	Lindsay	Robak	Withem

Voting in the negative, 8:

Bernard-Stevens	Chambers	Fisher	Schellpeper	Witek
	Cudaback	Pirsch	Schmitt	

Present and not voting, 5:

Haberman	Jones	Lynch	Moore	Robinson

Excused and not voting, 6:

Bohlke	Hudkins	McKenzie	Warner	Will
Hillman				

The Lindsay-Crosby amendment was adopted with 30 ayes, 8 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA436
Strike the Lindsay amendment (AM3514)

Ms. Day, Mrs. Rasmussen, Messrs. Kristensen, Moore, Abboud, and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

MS. SCHIMEK PRESIDING

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Witek moved the previous question. The question is, "Shall the debate now close?"

Mrs. Witek moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers requested a roll call vote on the motion to cease debate.

Mr. Chambers requested the roll call vote commence with his name first.

The Chair ruled the Chambers request is out of order.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Mr. Chambers requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 5:

Chambers Haberman Hudkins Robak Wickersham

Voting in the negative, 31:

Abboud	Coordsen	Janssen	Moore	Schimek
Bernard-Stevens	Crosby	Jones	Pedersen	Wehrbein
Beutler	Dierks	Landis	Pirsch	Wesely
Bohlke	Elmer	Lindsay	Preister	Will
Bromm	Engel	Matzke	Rasmussen	Witek
Byars	Hall	Monen	Robinson	Withem
	Hartnett			

Present and not voting, 7:

Ashford	Cudaback	Lynch	Schellpeper	Schmitt
Avery	Fisher			

Excused and not voting, 6:

Day	Kristensen	McKenzie	Vrtiska	Warner
Hillman				

The Chambers motion to overrule the Chair lost with 5 ayes, 31 nays, 7 present and not voting, and 6 excused and not voting.

The roll call vote to cease debate is as follows:

Voting in the affirmative, 31:

Abboud	Byars	Fisher	Matzke	Schellpeper
Ashford	Coordsen	Hudkins	Monen	Wehrbein
Avery	Crosby	Janssen	Pedersen	Wesely
Bernard-Stevens	Cudaback	Jones	Pirsch	Will
Bohlke	Dierks	Landis	Preister	Witek
Bromm	Elmer	Lindsay	Robinson	Withem
	Engel			

Voting in the negative, 2:

Hall	Lynch

Present and not voting, 10:

Beutler	Haberman	Moore	Robak	Schmitt
Chambers	Hartnett	Rasmussen	Schimek	Wickersham

Excused and not voting, 6:

Day	Kristensen	McKenzie	Vrtiska	Warner
Hillman				

The motion to cease debate prevailed with 31 ayes, 2 nays, 10 present and not voting, and 6 excused and not voting.

Mr. Chambers withdraw his amendment, FA436.

Pending.

The Chair declared the call raised.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolution 337.

LR	Committee
337	Natural Resources

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING
Natural Resources

LR 337 Tuesday, March 22, 1994 12:15 p.m.

(Signed) Chris Beutler, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 15, 1994, at 10:55 a.m., were the following bills: 1017, 883, 883A, 980, 611, 642, 642A, 929, and 1116.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Print in Journal

Mrs. Rasmussen asked unanimous consent to print the following amendment to LB 1290 in the Journal. No objections. So ordered.

AM3672

1. Insert the following new sections:

"Section 1. That section 79-3501, Revised Statutes Supplement, 1992, be amended to read as follows:

79-3501. Sections 79-3501 to 79-3510 and sections 3 and 4 of this act shall be known and may be cited as the Help Education Lead to Prosperity Act.

Sec. 2. That section 79-3504, Revised Statutes Supplement, 1992, be amended to read as follows:

79-3504. There is hereby created the Educational

Excellence Fund. Money in the fund shall be used only for purposes of ~~section 79-3505~~ sections 79-3505 and 79-3509.01 and sections 3 and 4 of this act. The State Treasurer shall make distributions from the fund as required by the Help Education Lead to Prosperity Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 3. For school year 1994-95, the minimum annual salary paid to a full-time teacher in any school district in Nebraska as regular compensation shall be eighteen thousand dollars and the minimum annual salary paid to a part-time teacher in any school district in Nebraska as regular compensation shall be that portion of eighteen thousand dollars which is equivalent to the proportion of full-time employment held by such teacher. For each school year after school year 1994-95, the minimum annual salary paid to a full-time teacher in any school district in Nebraska as regular compensation shall increase by annual increments of two hundred fifty dollars until the minimum annual salary of nineteen thousand dollars is reached and the minimum annual salary paid to a part-time teacher in any school district in Nebraska as regular compensation shall be that portion of the full-time minimum annual salary which is equivalent to the proportion of full-time employment held by such teacher.

Sec. 4. To comply with the requirements of section 3 of this act, each school district shall first allocate such funds received by the district under the Tax Equity and Educational Opportunities Support Act before allocating any such funds to other school district purposes.

Sec. 6. That section 79-3812, Revised Statutes Supplement, 1992, be amended to read as follows:

79-3812. There are hereby created the School District Income Tax Fund and the Tax Equity and Educational Opportunities Fund, each of which shall consist of such sums as the Legislature may appropriate and be administered by the state board. The School District Income Tax Fund shall receive resident individual income tax appropriations made by the Legislature to make payments to districts of allocable income tax funds. The Tax Equity and Educational Opportunities Fund shall receive dedicated income tax appropriations and appropriations made by the Legislature to fund sections 79-3806 to 79-3811 and section 4 of this act. Any money in such funds available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.".

2. On page 2, line 14, strike "section 79-3809" and insert "sections 79-3501, 79-3504, 79-3809, and 79-3812"; and in line 15 strike "is" and insert "and also section 79-3509.03, Revised Statutes Supplement, 1992, are".

3. Renumber the remaining sections accordingly.

Mr. Pedersen asked unanimous consent to print the following amendment to LB 1351 in the Journal. No objections. So ordered.

AM3726

(Amendments to Standing Committee amendments, AM3473)

1. Insert the following new section:

"Sec. 20. Within sixty days after commitment of any offender to the department, all available information regarding such committed offender shall be reviewed and a Committed Offender Progress Plan shall be drawn up. The plan shall specifically describe the progress plan and specific goals the department expects the offender to achieve and shall contain a realistic schedule for completion of the plan. Such plan shall include all applicable elements of section 26 of this act and shall be fully explained to the offender. During incarceration the offender shall comply with the plan and the department shall provide programs to allow compliance by the offender with the plan.

A modification in the plan may be made to account for increased or decreased abilities of the offender or availability of any program. Any modification shall be made only after notice is given to the offender. Successful completion of the plan by any committed offender as scheduled for any year or pro rata part thereof shall entitle the offender to the earned good time of three months described in subdivisions (2)(a) through (f) of section 83-1,107.".

2. On page 28, line 15, strike "one month" and insert "three months"; in line 18 after "(a)" insert "(i)"; after line 20 insert

"(ii) If the offender has received a high school, general educational development, or college diploma, the offender's successful completion of other continuing educational programs as offered by the department; or

(iii) The offender's successful participation in teaching an academic or vocational class as described in section 27 of this act;"; in line 22 strike "treatment" and insert "or addiction treatment program"; in line 23 strike "or"; and in line 26 after "incarcerated" insert ";

(d) The offender's demonstrated work ethic shown by obtaining and maintaining regular employment in the correctional system;

(e) The offender's successful completion of department-approved psychiatric counseling or treatment while incarcerated; or

(f) Any other programs deemed necessary and appropriate by the department".

3. On page 30, line 25, strike "received" and insert

"been found guilty in".

4. On page 34, line 3, strike beginning with "who" through "facility"; in line 6 after "include" insert "any of the following: Work programs," and strike "living skills,"; strike beginning with "family" in line 7 through "training" in line 10 and insert "and substance abuse awareness, counseling, or treatment"; in line 14 after "alcohol" insert "use and"; in line 17 strike "and"; in line 19 after "abused" insert ";

(f) Work ethics and structured work programs; and

(g) Development and enhancement of job acquisition skills and job performance skills"; in line 23 after "community" insert "or to a suitable alternative community"; and in line 27 after "privileges" insert "or good time, or both".

5. On page 35, after line 1 insert

"In no event shall a person committed to the department be ineligible for good time due solely to the unavailability of services referred to in section 27 of this act."; in line 5 after "classes" insert "to any committed offenders"; in line 6 strike "25" and insert "26"; and in line 14 strike "25 to 27" and insert "20 and 26 to 28".

6. On page 36, line 22, strike "25 to 29, and 32" and insert "21, 26 to 30, and 33".

7. Renumber the remaining sections accordingly.

Mrs. Robak asked unanimous consent to print the following amendment to LB 1022 in the Journal. No objections. So ordered.

AM3749

1. Insert the following new sections:

"Section 1. No person who owns or operates or has owned or operated a licensed landfill in Nebraska pursuant to a contract with a political subdivision shall, if the department finds under section 81-1506 that pollution of the ground water is occurring as a result of activities carried on at the site of such landfill before or after such person's ownership or operation, be liable for cleanup costs related to such pollution in an amount greater than ten thousand dollars.

Sec. 2. That section 81-1532, Revised Statutes Supplement, 1992, be amended to read as follows:

81-1532. Sections 81-1501 to 81-1533 and section 1 of this act shall be known and may be cited as the Environmental Protection Act.".

2. On page 3, line 23, strike "81-15,177" and insert "81-1532, 81-15,177,".

3. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 341. Introduced by Pedersen, 39.

PURPOSE: As certain urban areas and cities throughout Nebraska experience growth and expansion, many problems exist which are associated with zoning and the jurisdiction and control a municipality may exert over individuals who reside outside the municipality but within the zoning jurisdiction of a city council and planning board. Of particular and immediate concern is the current situation which exists in cities of the metropolitan class. The western boundary of Omaha borders diverse political subdivisions, sanitary and improvement districts in particular. These entities are directly impacted by zoning decisions enacted by the city council and the planning board; however, the citizen taxpayers living within such subdivisions are denied representative participation due to current statutes which permit extraterritorial jurisdiction without concurrent representation.

The purpose of this study is to analyze the jurisdictional issues relating to suburban development in Nebraska with particular emphasis on the current problems facing the Omaha metropolitan area. The study should result in a comprehensive plan and workable solutions relating to municipal growth and individual rights.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 342. Introduced by Vrtiska, 1.

WHEREAS, the Sterling Jets won the 1994 Class C-2 Boys' State Basketball Championship; and

WHEREAS, the Jets defeated Osmond by a score of 65 to 54 in the title game, finishing the season with a record of 25 wins and 4 losses; and

WHEREAS, team members Jason Behrens, Marc Besenthal, Matt Boden, Justin Haynes, Kirk Hazen, Nathan Heusman, Ben Hobbs, Marc Reuter, Ryan Shea, Micah Uher, Kevin Wilken, and Brad Wusk, as well as coaches Brad Buller and Paul Calvert, all contributed to the team's success; and

WHEREAS, this championship represents the Jets' second consecutive boys' state basketball championship, and the fourth in the school's history; and

WHEREAS, we should continue to recognize the achievements of our young people in the areas of academics, athletics, and the arts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Sterling Jets boys' basketball team for its state championship and successful season.

2. That a copy of this resolution be sent to Coach Brad Buller and the members of the Sterling High School boys' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 343. Introduced by Vrtiska, 1; Byars, 30.

WHEREAS, the Odell Tigers won the 1994 Class D-2 Boys' State Basketball Championship; and

WHEREAS, the Tigers defeated Elgin by a score of 66 to 47 in the title game, finishing the season with a record of 18 wins and 4 losses; and

WHEREAS, team members Brian Adam, Jon Duis, Matt Duis, Dustin Holst, Tim Hubka, Jeff Humphreys, Ryan Kostal, Jamie Lane, Matt Nietfeld, Josh Novotny, Travis Pralle, and Nick Zimmerman, as well as coaches Eric McMurray and Brian Vitosh, all contributed to the team's success; and

WHEREAS, this championship represents the Tigers' third boys' state basketball championship in the school's history; and

WHEREAS, we should continue to recognize the achievements of our young people in the areas of academics, athletics, and the arts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulate the Odell Tigers boys' basketball team for its state championship and successful season.

2. That a copy of this resolution be sent to Coach Eric McMurray and the members of the Odell High School boys' basketball team.

Laid over.

VISITORS

Visitors to the Chamber were Joe Sabatka from Lincoln; Nebraska Wheat Hearts; 90 students and teachers from Millard South High School; Caitlin and Chelsey Urdahl from Loveland, Colorado; nine eighth grade students and sponsor from McMillan School, Omaha; and 150 juniors and seniors from District 24, Seward and York.

RECESS

At 12:33 p.m., on a motion by Mrs. Witek, the Legislature recessed until 1:45 p.m.

AFTER RECESS

The Legislature reconvened at 1:45 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Messrs. Ashford, Dierks, Haberman, Landis, Lynch, Schellpeper, Vrtiska, Warner, Mses. Day, Schimek, and Mrs. Pirsch who were excused until they arrive.

MR. HALL PRESIDING

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 991. Placed on Select File as amended.
E & R amendment to LB 991:
AM5703

1. In the Standing Committee amendments, AM3400, on page 25, line 2, strike "15" and insert "17"; and in line 10 strike "FY1995-97" and insert "1995-97 biennium".

2. On page 1, line 8, after the second semicolon insert "Laws 1993, LB 325A, section 113;"; in line 10 after "11," insert "12,"; in line 12 strike "section 4" and insert "sections 4 and 5"; in line 13 strike "to 10, 13" and strike "24," and insert "24 to"; in line 14 after the last comma insert "83,"; and in line 15 after the second comma insert "87,".

3. On page 2, line 1, strike "192,"; in line 3 strike "246" and insert "236" and strike the second "and"; in line 4 after "1" insert "; and Laws 1993, LB 798A, section 1; to state intent" and after "change" insert "and eliminate"; and in line 10 after the first semicolon insert "Laws 1993, LB541, section 246;".

4. On page 32, strike lines 26 and 27.

5. On page 33, after line 1 insert:
"Sec. 57. That Laws 1993, LB 541, section 20, be amended to read as follows:".

6. On page 94, line 24, strike "medicine" and show as stricken.

7. On page 119, line 23, strike "409,111" and insert "408,911".

8. On page 152, line 20, after the period insert "Transfers for FY1994-95 shall occur on July 1, 1994, or as soon thereafter as administratively possible.".

LEGISLATIVE BILL 1045. Placed on Select File as amended.

E & R amendment to LB 1045:
AM5698

1. On page 1, line 1, strike beginning with "job" through "appropriation" and insert "the Cash Reserve Fund; to amend section 84-612, Revised Statutes Supplement, 1993; to provide for a transfer from such fund to the Job Training Cash Fund; to delete obsolete provisions relating to the Cash Reserve Fund; and to repeal the original section".

LEGISLATIVE BILL 314. Placed on Select File as amended.
E & R amendment to LB 314:
AM5701

1. On page 1, line 3, strike "1992" and insert "1993".

LEGISLATIVE BILL 1006. Placed on Select File.
LEGISLATIVE BILL 1006A. Placed on Select File.

LEGISLATIVE BILL 1211. Placed on Select File as amended.
E & R amendment to LB 1211:
AM5700

1. On page 1, line 4, strike "funds" and insert "a fund"; and in line 5 after the first semicolon insert "to provide powers and duties for the Risk Manager;".

LEGISLATIVE BILL 1211A. Placed on Select File as amended.
E & R amendment to LB 1211A:
AM5699

1. On page 1, line 4, strike "reduce" and insert "change".

LEGISLATIVE BILL 1194. Placed on Select File as amended.
E & R amendment to LB 1194:
AM5702

1. In the Standing Committee amendments, AM3459:

a. Renumber section 15 as section 19 and renumber the other sections accordingly; and

b. On page 10, line 2, before the period insert ", which fund is hereby created"; and in line 20 strike "15" and insert "19".

2. On page 1, strike beginning with the second "to" in line 1 through line 2 and insert "to amend sections 81-1201.01 and 83-129, Reissue Revised Statutes of Nebraska, 1943, and sections 66-4,100, 80-301, and 80-301.02, Revised Statutes Supplement, 1992; to create funds; to authorize the administrative establishment of funds; to provide for use of the funds; to eliminate a transfer of funds; to harmonize provisions; and to repeal the original sections, and also section 80-301.01, Reissue Revised Statutes of Nebraska,

16 1943.".

(Signed) Janis M. McKenzie, Chairperson

REPORT

Received proposed plan from the Department of Labor, Job Training of Greater Nebraska, for Title III Program for July 1, 1994 through June 30, 1996.

GENERAL FILE

LEGISLATIVE BILL 903. Mr. Beutler offered the following amendment to the Standing Committee amendment:
FA437

Amend as follows:

1. On line 17, page 2 add the following language after the word "court"; "except at such time as the next vacancy shall occur there shall be four judges of the district court"

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Moore, Ms. Schimek, and Mrs. Hudkins asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bernard-Stevens moved the previous question. The question is, "Shall the debate now close?"

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The motion to cease debate prevailed with 26 ayes, 0 nays, and 23 not voting.

Mrs. Pirsch requested a roll call vote on the Beutler amendment to the Standing Committee amendment.

Voting in the affirmative, 22:

Abboud	Hall	Monen	Rasmussen	Wesely
Avery	Hartnett	Pedersen	Robinson	Will
Beutler	Janssen	Pirsch	Schimek	Witek
Chambers	Landis	Preister	Warner	Withem
Fisher	McKenzie			

Voting in the negative, 16:

Ashford	Coordsen	Jones	Matzke	Schmitt
Bernard-Stevens	Cudaback	Kristensen	Robak	Wehrbein
Bohlke	Dierks	Lindsay	Schellpeper	Wickersham
	Elmer			

Present and not voting, 5:

Bromm	Byars	Crosby	Day	Engel

Excused and not voting, 6:

Haberman	Hudkins	Lynch	Moore	Vrtiska
Hillman				

The Beutler amendment lost with 22 ayes, 16 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Avery asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA438
Amend AM3514 (Lindsay amendment)
Page 1, line 20, put a period after "court" and strike the remaining language through line 23.
Page 2, line 5, put a period after "court" and strike remaining language through line 8. Harmonize provisions as needed.

Mr. Chambers moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Chambers requested a roll call vote on his amendment to the Standing Committee amendment.

Voting in the affirmative, 5:

Beutler	Bromm	Byars	Chambers	Fisher

Voting in the negative, 30:

Abboud	Crosby	Kristensen	Moore	Robak
Ashford	Cudaback	Landis	Pedersen	Robinson
Bernard-Stevens	Elmer	Lindsay	Pirsch	Schellpeper
	Hall	Matzke	Preister	Schimek
Bohlke	Hartnett	Monen	Rasmussen	Warner

Wehrbein	Wickersham	Will	Witek	Withem
Wesely				

Present and not voting, 9:

Coordsen	Dierks	Hudkins	Jones	Schmitt
Day	Engel	Janssen	McKenzie	

Excused and not voting, 5:

Avery	Haberman	Hillman	Lynch	Vrtiska

The Chambers amendment lost with 5 ayes, 30 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA439
Amend Lindsay amendment (AM3514)
Page 1, line 4 and line 12, strike "1995" and insert "1996" and on
Page 2, line 1, strike "1996" and insert "1997"

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. HALL PRESIDING

Messrs. Bromm, Pedersen, and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

The Chambers amendment lost with 4 ayes, 21 nays, 14 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA440
Amend Lindsay amendment (AM3514)
Page 1, line 4 and line 12, strike "1995" and insert "1994"; and
Page 2, line 1, strike "1996" and insert "1995"

Messrs. Cudaback and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Chambers requested a record vote on his amendment to the Standing Committee amendment.

Voting in the affirmative, 12:

Bernard-Stevens	Chambers	Fisher	Moore	Warner
Bohlke	Coordsen	Hall	Rasmussen	Wehrbein
	Dierks	McKenzie		

Voting in the negative, 19:

Abboud	Engel	Jones	Robak	Will
Ashford	Hartnett	Lindsay	Schmitt	Witek
Crosby	Hudkins	Pirsch	Wesely	Withem
Elmer	Janssen	Preister	Wickersham	

Present and not voting, 7:

Avery	Day	Matzke	Monen	Robinson
Byars	Kristensen			

Excused and not voting, 11:

Beutler	Haberman	Landis	Pedersen	Schimek
Bromm	Hillman	Lynch	Schellpeper	Vrtiska
Cudaback				

The Chambers amendment lost with 12 ayes, 19 nays, 7 present and not voting, and 11 excused and not voting.

Pending.

The Chair declared the call raised.

Messrs. Moore, Abboud, and Ms. Day asked unanimous consent to be excused until they return. No objections. So ordered.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 1223. Placed on General File as amended.

(Standing Committee amendment, AM3613, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 797. Indefinitely postponed.
LEGISLATIVE BILL 946. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 695A. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 695, Ninety-third Legislature, Second Session, 1994.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 991 in the Journal. No objections. So ordered.

AM3704

(Amendments to AM3624)

1. Strike amendment 1. and insert the following new amendment:

"1. On page 41, line 28, strike '16,779,015 16,948,384' and insert '16,804,015 17,396,436'.".

2. On page 1, strike beginning with the first quotation marks in line 3 through the second quotation marks in line 4 and insert " '18,040,469 18,218,019' and insert '18,065,469 18,666,071' ".

Mr. Warner asked unanimous consent to print the following amendment to LB 314 in the Journal. No objections. So ordered.

AM3743

1. Insert the following new section:

"Sec. 3. This act shall become operative on September 1, 1994.".

2. Renumber the remaining section accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 344. Introduced by Bromm, 23.

WHEREAS, the Wahoo High School boys' basketball team won the Class B Boys' State Basketball Tournament with a 62-47 victory over Norris High School; and

WHEREAS, this win marks the sixth Class B Championship in seven years and caps a triumphant season record of 27-1 with an average of 91 points per game; and

WHEREAS, the Wahoo High School boys' basketball team was rated first in Class B by the Lincoln Journal-Star and the Omaha World-Herald; and

WHEREAS, the team has been coached by Mick Anderson, who is retiring after eighteen years at Wahoo High School; and

WHEREAS, Coach Anderson has the best record in the nation among active basketball coaches from 1986-94, with a record of 177-3 for a .983 percentage; and

WHEREAS, during the past eighteen years, Coach Anderson's teams have scored 27,171 points for an average of 67.6 points per game; and

WHEREAS, Coach Anderson has proved himself to be an excellent classroom teacher who is as well-prepared for social studies as he is for basketball; and

WHEREAS, from 1988 through 1992, the Wahoo High School boys' basketball team won 114 consecutive games, which is the third longest winning streak in the nation's history.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulate Coach Mick Anderson and Wahoo High School team members Louie Wotipka, Josh Anderson, Mike Simons, Eric Eddie, Greg Hain, Sean Forbes, Chris Anderson, Dan Brown, Travis Toline, Ryan Fiala, Mike Hancock, Tyler Hix, Eric Smith, Josh Herrmann, and Tim Bohaty for winning the 1994 Class B State Championship.

2. That a copy of this resolution be sent to Coach Mick Anderson and the members of the Wahoo High School boys' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 345. Introduced by Coordsen, 32; Elmer, 38; Fisher, 35; Beutler, 28; Wickersham, 49; Hudkins, 21; Crosby, 29; McKenzie, 34; Janssen, 15; Jones, 43; Cudaback, 36; Dierks, 40; Bernard-Stevens, 42; Kristensen, 37.

WHEREAS, the following airfields were activated in Nebraska during World War II and played an active part in history: Ainsworth Army Air Field; Alliance Army Air Field; Bruning Army Air Field; Fairmont Army Air Field; Grand Island Army Air Field; Harvard Army Air Field; Kearney Army Air Field; Lincoln Army Air Field; McCook Army Air Field; Scottsbluff Army Air Field; and Scribner Army Air Field; and

WHEREAS, Senator George Norris was instrumental in bringing such airfields to Nebraska, not only to help the war-effort because the Nebraska central location helped insulate the fields from enemy attack while offering good flight conditions, but also to benefit local economy and to prevent Nebraska's work force from moving out of the state; and

WHEREAS, all of the airfields were activated more than fifty years ago, and added to the colorful history of Nebraska; and

WHEREAS, the communities where such airfields were located may commemorate such airfields during 1994 along with other celebrations in the community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature encourages the communities where such army airfields were located to commemorate a fifty-year anniversary of the activation of such airfields.

2. That a copy of this resolution be sent to the Mayors of each town where the airfields were located.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 903. Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA441

Amend AM4022

Page 1, line 8 and line 10, strike "three" and insert "ten"

SPEAKER WITHEM PRESIDING

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 36 not voting.

Mr. Chambers requested a record vote on his amendment to the Standing Committee amendment.

Voting in the affirmative, 6:

Avery	Hall	Monen	Warner	Wickersham
Chambers				

Voting in the negative, 25:

Ashford	Bernard-Stevens	Bohlke	Crosby	Elmer
		Coordsen	Dierks	Engel

Fisher	Kristensen	Pirsch	Schmitt	Wesely
Hudkins	Lindsay	Rasmussen	Vrtiska	Will
Janssen	Matzke	Robak	Wehrbein	Withem
Jones	McKenzie			

Present and not voting, 4:

Byars	Hartnett	Preister	Witek

Excused and not voting, 14:

Abboud	Cudaback	Hillman	Moore	Schellpeper
Beutler	Day	Landis	Pedersen	Schimek
Bromm	Haberman	Lynch	Robinson	

The Chambers amendment lost with 6 ayes, 25 nays, 4 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

Mrs. McKenzie asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA442
Amend AM4022
Page 1, in lines 8 and 10, strike "three" and insert "five"

Mr. Jones asked unanimous consent to be excused. No objections. So ordered.

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 1290 in the Journal. No objections. So ordered.

AM3769
1. Insert the following new section:
"Section 1. That section 79-3805, Revised Statutes Supplement, 1992, be amended to read as follows:
79-3805. (1) Using data from the annual financial reports and the annual statistical summary reports for the most recently available complete data year, the department

shall calculate the tiered cost per student for grades kindergarten, one through six, including full-day kindergarten, seven and eight, and nine through twelve for each district as described in subsections (2) through (8) of this section.

(2) Each district's general fund operating expenditures for grades kindergarten, one through six, including full-day kindergarten, seven and eight, and nine through twelve shall be computed as follows: (a) The weighted average daily membership for kindergarten shall equal the average daily membership for kindergarten multiplied by five-tenths; (b) the weighted average daily membership for grades one through six, including full-day kindergarten, shall equal the average daily membership for such grades multiplied by one; (c) the weighted average daily membership for grades seven and eight shall equal the average daily membership for such grades multiplied by one and two-tenths; (d) the weighted average daily membership for grades nine through twelve shall equal the average daily membership for such grades multiplied by one and four-tenths; and (e) the total weighted average daily membership shall equal the sum of grades kindergarten, one through six, including full-day kindergarten, seven and eight, and nine through twelve weighted average daily membership values. Each district's general fund operating expenditures for each grade group shall be calculated by dividing that grade group's weighted average daily membership by the total weighted average daily membership in the district and multiplying the result by the district's total general fund operating expenditures.

(3) Each district with general fund operating expenditures in grades one through six, including full-day kindergarten, shall be placed into a tier based on the following schedule.

Tier	Tier midpoint	Average daily membership range
1	50.50	.01 - 101.00
2	143.00	101.01 - 185.00
3	280.00	185.01 - 375.00
4	687.50	375.01 - 1,000.00
5	1,450.00	1,000.01 - 1,900.00
~~6~~	~~8,450.00~~	~~1,900.01 - 15,000.00~~
6	4,950.00	1,900.01 - 8,000.00
~~7~~	~~Median average daily membership of tier~~	~~15,000.01 and over~~
7	Median average daily membership of tier	8,000.01 and over

The average general fund operating expenditures per student for grades one through six, including full-day kindergarten, shall be calculated for each tier by adding the

total general fund operating expenditures for such grades for all districts in the tier and dividing by the total average daily membership for such grades for all districts in the tier.

(4) Each district with general fund operating expenditures in grades nine through twelve shall be placed in a tier based on the following schedule.

Tier	Tier midpoint	Average daily membership range
1	25.00	.01 - 50.00
2	62.50	50.01 - 75.00
3	87.50	75.01 - 100.00
4	125.00	100.01 - 150.00
5	200.00	150.01 - 250.00
6	375.00	250.01 - 500.00
7	750.00	500.01 - 1,000.00
~~8~~	~~5,500.00~~	~~1,000.01 - 10,000.00~~
8	2,500.00	1,000.01 - 4,000.00
~~9~~	~~Median average daily membership of tier~~	~~10,000.01 and over~~
9	Median average daily membership of tier	4,000.01 and over

The average general fund operating expenditures per student for grades nine through twelve shall be calculated for each tier by adding the total general fund operating expenditures for such grades for all districts in the tier and dividing such sum by the total average daily membership for such grades for all districts in the tier.

(5) Tiered cost per student values shall be computed for grades one through six, including full-day kindergarten, for each district as follows:

(a) For districts with average daily memberships for grades one through six, including full-day kindergarten, which are less than the midpoint of tier 1 for such grades, the tiered cost per student shall equal the average general fund operating expenditures per student for tier 1;

(b) For districts with average daily memberships for grades one through six, including full-day kindergarten, which are greater than the midpoint of tier 7 for such grades, the tiered cost per student for such grades shall equal the average general fund operating expenditures per student for tier 7; and

(c) For districts with average daily memberships for grades one through six, including full-day kindergarten, which fall on or between the midpoints of any two tiers, the tiered cost per student for such grades shall be calculated by means of a linear transition between the average general fund

operating expenditures per student of the two tiers between whose midpoints the districts' average daily memberships for such grades fall.

(6) Tiered cost per student values shall be computed for grades nine through twelve for each district as follows:

(a) For districts with average daily memberships for grades nine through twelve which are less than the midpoint of tier 1 for such grades, the tiered cost per student shall equal the average general fund operating expenditures per student for tier 1;

(b) For districts with average daily memberships for grades nine through twelve which are greater than the midpoint of tier 9 for such grades, the tiered cost per student for such grades shall equal the average general fund operating expenditures per student for tier 9; and

(c) For districts with average daily memberships for grades nine through twelve which fall on or between the midpoints of any two tiers, the tiered cost per student for such grades shall be calculated by means of a linear transition between the average general fund operating expenditures per student of the two tiers between whose midpoints the districts' average daily memberships for such grades fall.

(7) The tiered cost per student for kindergarten shall be calculated by multiplying each district's tiered cost per student for grades one through six, including full-day kindergarten, by five-tenths.

(8) The tiered cost per student for grades seven and eight shall be calculated as follows: For Class II, Class III, Class IV, and Class V districts, the tiered cost per student shall be the calculated mean of the district's tiered cost per student for grades one through six, including full-day kindergarten, and for grades nine through twelve; for Class I districts, the tiered cost per student shall be the district's tiered cost per student for grades one through six, including full-day kindergarten, multiplied by one and two-tenths; and for Class VI districts providing instruction in grades seven and eight as authorized by section 79-1109, the tiered cost per student shall be the district's tiered cost per student for grades nine through twelve multiplied by one and two-tenths and the result divided by one and four-tenths.

(9) The tiered cost per student for nonresident high school tuition funds shall be the average general fund operating expenditures per student for grades nine through twelve for all districts included in subsection (4) of this section.

(10) In districts which receive payments pursuant to Public Law 81-874 and in which there are students enrolled who reside on Indian land, as defined under regulations of the

United States Department of Education in effect on July 10, 1990, promulgated pursuant to Public Law 81-874, the tiered cost per student, for each grade level, calculated pursuant to subsections (5) through (8) of this section, shall be increased by a factor equal to the result of multiplying the ratio of average daily attendance of students who reside on Indian land to the total average daily attendance of the district, as reported by the United States Department of Education in calculating the district's payment pursuant to Public Law 81-874, times twenty-five percent.".

2. On page 2, line 14, strike "section" and insert "sections 79-3805 and"; and in line 15 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Mr. Beutler asked unanimous consent to print the following amendment to LB 1275 in the Journal. No objections. So ordered.

AM3779

(Amendments to E & R amendments, AM5676)

1. Strike section 3 and insert the following new sections:

"Section 1. For purposes of sections 1 to 3 of this act:

(1) Federally insured financial institution shall mean an institution in which the monetary deposits are insured by the Federal Deposit Insurance Corporation or National Credit Union Administration;

(2) Good funds shall mean: (a) Lawful money of the United States; (b) wired funds when unconditionally held by the real estate closing agent or employee; (c) cashier's checks, certified checks, bank money orders, or teller's checks issued by a federally insured financial institution and unconditionally held by the real estate closing agent or employee; or (d) United States treasury checks, federal reserve bank checks, federal home loan bank checks, and State of Nebraska warrants;

(3) Real estate closing agent shall mean a person who collects and disburses funds on behalf of another in closing a real estate transaction; and

(4) Regulating entity shall mean the:

(a) Department of Insurance;

(b) Supreme Court;

(c) State Real Estate Commission;

(d) Department of Banking and Finance;

(e) Federal Deposit Insurance Corporation;

(f) Federal Office of Thrift Supervision;

(g) Federal Farm Credit Administration; or

(h) National Credit Union Administration.

Sec. 2. (1) To act as a real estate closing agent, a person shall:

(a)(i) Be licensed or regulated by one or more regulating entities or (ii) be employed by a person or entity regulated by one or more regulating entities, unless employing such person to act as a real estate closing agent is otherwise prohibited by statute, rule, or regulation; and

(b) Have received good funds which are available for disbursement at the time of closing a real estate transaction.

(2) The Attorney General or any county attorney may act to enjoin the performance of real estate closings which violate this section.

(3) A person acting as a real estate closing agent in violation of this section shall be guilty of a Class V misdemeanor.

Sec. 3. Each state regulating entity shall adopt and promulgate rules and regulations and issue such orders as are necessary or desirable to carry out section 2 of this act. Each regulating entity may inspect, examine, and audit the books and records of real estate closing agents under its jurisdiction who conduct real estate closings. The regulating entity may require reimbursement from the real estate closing agent for the expenses of such inspection, examination, or audit.

Sec. 4. That section 45-711, Revised Statutes Supplement, 1992, be amended to read as follows:

45-711. A licensee shall:

(1) Disburse required funds paid by the borrower and held in escrow for the payment of insurance payments no later than the date upon which the premium is due under the insurance policy;

(2) Disburse funds paid by the borrower and held in escrow for the payment of real estate taxes prior to the time such real estate taxes become delinquent;

(3) Pay any penalty incurred by the borrower because of the failure of the licensee to make the payments required in subdivisions (1) and (2) of this section unless the licensee establishes that the failure to timely make the payments was due solely to the fact that the borrower was sent a written notice of the amount due more than fifteen calendar days before the due date to the borrower's last-known address and failed to timely remit the amount due to the licensee;

(4) At least annually perform a complete escrow analysis. If there is a change in the amount of the periodic payments, the licensee shall mail written notice of such change to the borrower at least twenty calendar days before the effective date of the change in payment. The following information shall be provided to the borrower, in one or more reports, at least annually:

(a) The name and address of the licensee;

(b) The name and address of the borrower;

(c) A summary of the escrow account activity during the year which includes all of the following:

(i) The balance of the escrow account at the beginning of the year;

(ii) The aggregate amount of deposits to the escrow account during the year; and

(iii) The aggregate amount of withdrawals from the escrow account for each of the following categories:

(A) Payments applied to loan principal;

(B) Payments applied to interest;

(C) Payments applied to real estate taxes;

(D) Payments for real property insurance premiums; and

(E) All other withdrawals; and

(d) A summary of loan principal for the year as follows:

(i) The amount of principal outstanding at the beginning of the year;

(ii) The aggregate amount of payments applied to principal during the year; and

(iii) The amount of principal outstanding at the end of the year;

(5) Answer in writing, within ten business days of receipt, any written request for payoff information received from a borrower or a borrower's designated representative; and

(6) Execute and deliver a release of mortgage in recordable form or, in the case of a trust deed, execute and deliver a reconveyance in recordable form executed by the trustee within sixty days after the satisfaction of the obligations secured by the mortgage or trust deed. ~~or, in the case of a trust deed, execute and deliver to the trustee under a trust deed a request for the reconveyance of the real property after payoff and within twenty business days after the receipt of correct payment in good funds.~~

Sec. 5. When the obligation secured by any mortgage has been satisfied, the mortgagee shall execute and deliver a release of mortgage in recordable form to the mortgagor or mortgagor's successor in interest or designated representative.

Any mortgagee who, after request, fails to deliver such a release within sixty days after the satisfaction of the obligations secured by the mortgage, shall be liable to the mortgagor or the mortgagor's successor in interest, as the case may be, for one thousand dollars and all actual damages resulting from the failure, including attorney's fees and costs of title work. In any action against the mortgagee pursuant to this section, the court shall award, in addition

to the foregoing amounts, the cost of suit, including reasonable attorney's fees, and may further order the mortgagee to execute a release. Successor in interest of the mortgagor shall include the current owner of the property.

Sec. 6. That section 76-1018, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-1018. Sections 76-1001 to 76-1018 and section 7 of this act shall be known and may be cited as Nebraska Trust Deeds Act.

Sec. 7. When the obligation secured by any trust deed has been satisfied, the beneficiary shall deliver to the trustor or trustor's successor in interest or designated representative a reconveyance in recordable form duly executed by the trustee. The reconveyance may designate the grantee therein as the person or persons entitled thereto. The beneficiary under such trust deed shall upon request deliver to the trustor or his or her successor in interest the trust deed or note or other evidence of the obligation so satisfied. If a trustee fails or refuses to execute a reconveyance required by the beneficiary, the beneficiary shall appoint a successor trustee that will execute a reconveyance.

Any beneficiary who, after request, fails to deliver such a reconveyance within sixty days after the satisfaction of the obligations secured by the trust deed shall be liable to the trustor or his or her successor in interest, as the case may be, for one thousand dollars and all actual damages resulting from such failure, including attorney's fees and costs of title work. In any action against the beneficiary or trustee pursuant to this section, the court shall award, in addition to the foregoing amounts, the cost of suit, including reasonable attorney's fees, and may further order the trustee to reconvey the property. Successor in interest of the trustor shall include the current owner of the property.

Sec. 10. That original section 76-1018, Reissue Revised Statutes of Nebraska, 1943, and sections 45-711, 77-1311, and 77-1327, Revised Statutes Supplement, 1992, and also sections 76-255 and 76-1014, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. Renumber the remaining sections accordingly.

Mrs. Hudkins asked unanimous consent to print the following amendment to LB 1351 in the Journal. No objections. So ordered.

AM3768

(Amendments to Standing Committee amendments, AM3473)

1. Insert the following new section:

"Sec. 4. That section 28-519, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-519. (1) A person commits criminal mischief if

he or she:

(a) Damages property of another intentionally or recklessly; or

(b) Intentionally tampers with property of another so as to endanger person or property; or

(c) Intentionally or maliciously causes another to suffer pecuniary loss by deception or threat.

(2) Criminal mischief is a Class IV felony if the actor intentionally causes pecuniary loss in excess of three hundred dollars, or a substantial interruption or impairment of public communication, transportation, supply of water, gas or power, or other public service.

(3) Criminal mischief is a Class II misdemeanor if the actor intentionally or recklessly causes pecuniary loss in excess of one hundred dollars.

(4) Criminal mischief is a Class III misdemeanor if the actor intentionally or recklessly causes pecuniary loss in an amount of one hundred dollars or less, or if his or her action results in no pecuniary loss.".

2. On page 37, line 6, after the first comma insert "28-519,".

3. Renumber the remaining sections and correct internal references accordingly so that the section added by this amendment becomes operative on its effective date.

Mrs. Hudkins asked unanimous consent to print the following amendment to LB 1351 in the Journal. No objections. So ordered.

AM3767

(Amendments to Standing Committee amendments, AM3473)

1. Insert the following new section:

"Sec. 4. That section 28-919, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-919. (1) A person commits ~~an offense~~ the offense of tampering with a witness, informant, or juror if, believing that an official proceeding or investigation of a criminal matter is pending or about to be instituted, he or she attempts to induce or otherwise cause a witness, informant, or juror to:

(a) Testify or inform falsely; ~~or~~

(b) Withhold any testimony, information, document, or thing; ~~or~~

(c) Elude legal process summoning him or her to testify or supply evidence; or

(d) Absent himself or herself from any proceeding or investigation to which he or she has been legally summoned.

(2) A person commits the offense of jury tampering if, with intent to influence a juror's vote, opinion, decision, or other action in a case, he or she attempts

directly or indirectly to communicate with a juror other than as a part of the proceedings in the trial of the case.

~~(2)~~ (3) Tampering with witnesses, informants, ~~and~~ or jurors or jury tampering is a Class IV felony.".

2. On page 37, line 6, after the first comma insert "28-919,"; and in line 12 after the second comma insert "and also section 28-921, Reissue Revised Statutes of Nebraska, 1943,".

3. Renumber the remaining sections and correct internal references accordingly so that the section added by this amendment becomes operative on its effective date.

MOTION - Adjournment

Mrs. Witek moved to adjourn until 9:00 a.m., March 16, 1994.

Mr. Hall moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Hall requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 16:

Byars	Dierks	Fisher	Pirsch	Vrtiska
Chambers	Elmer	Haberman	Robak	Wehrbein
Coordsen	Engel	Janssen	Schmitt	Witek
Cudaback				

Voting in the negative, 18:

Ashford	Crosby	Kristensen	Preister	Wickersham
Bernard-Stevens	Hall	Lindsay	Rasmussen	Will
Bohlke	Hartnett	Matzke	Warner	Withem
	Hudkins	Monen	Wesely	

Present and not voting, 1:

Avery

Excused and not voting, 14:

Abboud	Day	Landis	Moore	Schellpeper
Beutler	Hillman	Lynch	Pedersen	Schimek
Bromm	Jones	McKenzie	Robinson	

The motion to adjourn lost with 16 ayes, 18 nays, 1 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

Mr. Wehrbein and Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 903. The Chambers pending amendment, FA442, found in this day's Journal, to the Standing Committee amendment, was renewed.

Mr. Janssen asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Chambers amendment lost with 7 ayes, 21 nays, 4 present and not voting, and 17 excused and not voting.

The Chair declared the call raised.

Messrs. Engel and Schmitt asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA443
Amend AM4022
Page 1, line 8, strike "three" and insert "five"

Messrs. Dierks, Elmer, Vrtiska, and Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Wickersham asked unanimous consent to print the following amendment to LB 446 in the Journal. No objections. So ordered.

AM3774

(Amendments to AM2684)

1. Strike section 2 and insert the following new section:

"Sec. 2. That section 84-901, Reissue Revised Statutes of Nebraska, 1943, as amended by section 135, Legislative Bill 414, Ninety-third Legislature, Second Session, 1994, be amended to read as follows:

84-901. For purposes of the Administrative

Procedure Act:

(1) Agency shall mean each board, commission, department, officer, division, or other administrative office or unit of the state government authorized by law to make rules and regulations, except the Adjutant General's office as provided in Chapter 55, the courts including the Nebraska Workers' Compensation Court, the Commission of Industrial Relations, the Legislature, and the Secretary of State with respect to the duties imposed by the ~~Administrative Procedure Act~~ act;

(2) Rule or regulation shall mean any rule, regulation, or standard issued by an agency, including the amendment or repeal thereof whether with or without prior hearing and designed to implement, interpret, or make specific the law enforced or administered by it or governing its organization or procedure. Rule or regulation shall not include (a) rules and regulations concerning the internal management of the agency not affecting private rights, private interests, or procedures available to the public or (b) permits, certificates of public convenience and necessity, franchises, rate orders, and rate tariffs and any rules of interpretation thereof. For purposes of the ~~Administrative Procedure Act~~ act, every rule and regulation which prescribes a penalty shall be presumed to have general applicability or to affect private rights and interests;

(3) Contested case shall mean a proceeding before an agency in which the legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined after an agency hearing; ~~and~~

(4) Ex parte communication shall mean an oral or written communication which is not on the record in a contested case with respect to which reasonable notice to all parties was not given. Filing and notice of filing provided under subdivision (6)(d) of section 84-914 shall not be considered on the record and reasonable notice for purposes of this subdivision. Ex parte communication shall not include:

(a) Communications which do not pertain to the merits of a contested case;

(b) Communications required for the disposition of ex parte matters as authorized by law; ~~and~~

(c) Communications in a ratemaking or rulemaking proceeding; and

(d) Communications to which all parties have given consent; and

(5) Hearing officer shall mean the person or persons conducting a hearing, contested case, or other proceeding pursuant to the act, whether designated as the presiding officer, administrative law judge, or some other title designation.".

2. On page 10, line 5, before the period insert "and shall be maintained for at least four years after the effective date of the rule or regulation".

3. On page 12, line 13, strike "regulated persons" and insert "persons being regulated".

4. On page 15, line 3, strike ", (2)"; and in line 4 strike the comma and strike "(3)" and insert "(2)".

5. On page 22, line 17, after "as" insert ", or who is subject to the authority, direction, or discretion of one who has served as,".

6. On page 24, line 27, before the period insert "for at least four years following the date of the final order".

7. On page 25, line 23, strike "84-901,"; in line 25 strike "and"; and in line 26 after the second comma insert "and section 84-901, Reissue Revised Statutes of Nebraska, 1943, as amended by section 135, Legislative Bill 414, Ninety-third Legislature, Second Session, 1994,".

Mr. Wickersham asked unanimous consent to print the following amendment to LB 902 in the Journal. No objections. So ordered.

AM3783

1. On page 15, after line 19 insert "and also section 77-693, Revised Statutes Supplement, 1993,".

VISITORS

Visitors to the Chamber were Sr. Girl Scout Troop #42 and leader from Maxwell; Rich Pahls and Cindi Alberico; and Sarah Weddington from Texas.

ADJOURNMENT

At 5:39 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Wednesday, March 16, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

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FORTY-SECOND DAY - MARCH 16, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 16, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Curtis Rieger, Open Bible Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman and Ms. Schimek who were excused; and Messrs. Abboud, Avery, Hall, Landis, Lindsay, Moore, Robinson, Warner, Will, Ms. Day, and Mrs. Bohlke who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 336. Read. Considered.

LEGISLATIVE RESOLUTION 338. Read. Considered.

Mr. Pedersen asked unanimous consent to have his name added as cointroducer to LR 338. No objections. So ordered.

LEGISLATIVE RESOLUTION 339. Read. Considered.

Mr. Pedersen asked unanimous consent to have his name added as cointroducer to LR 339. No objections. So ordered.

LEGISLATIVE RESOLUTION 340. Read. Considered.

LEGISLATIVE RESOLUTION 342. Read. Considered.

LEGISLATIVE RESOLUTION 343. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 336, 338, 339, 340, 342, and 343 were adopted with 19 ayes, 0 nays, and 30 not voting.

ANNOUNCEMENT

The Chair announced today is Mr. Matzke's birthday.

GENERAL FILE

LEGISLATIVE BILL 961. Title read. Considered.

Standing Committee amendment, AM3679, found in the Journal on page 1191, was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. BERNARD-STEVENS PRESIDING

Messrs. Withem and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 9 nays, and 15 not voting.

Mr. Hall requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Bernard-Stevens	Cudaback	Haberman	Monen	Schmitt
Bohlke	Day	Hudkins	Moore	Vrtiska
Bromm	Dierks	Janssen	Robak	Wehrbein
Byars	Elmer	Jones	Robinson	Wickersham
Coordsen	Engel	Matzke	Schellpeper	Witek
	Fisher	McKenzie		

Voting in the negative, 8:

Beutler	Hall	Lindsay	Warner	Wesely
Chambers	Kristensen	Rasmussen		

Present and not voting, 7:

Abboud	Crosby	Pedersen	Pirsch	Preister
Ashford	Hartnett			

Excused and not voting, 7:

Avery	Landis	Schimek	Will	Withem
Hillman	Lynch			

Advanced to E & R for review with 27 ayes, 8 nays, 7 present and not voting, and 7 excused and not voting.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 37. Title read. Considered.

Standing Committee amendment, AM3281, found in the Journal on page 800, was considered.

Mr. Hall offered the following amendment to the Standing Committee amendment:
AM3421
(Amendments to Standing Committee amendments, AM3281)
1. Strike section 2 and insert the following new section:
"Sec. 2. That sections 77-2704.36, 77-2704.37, and 77-4401, Revised Statutes Supplement, 1993, are repealed.".

Mr. Warner requested a ruling of the Chair on whether the Hall amendment is germane to the Standing Committee amendment.

Mr. Warner withdrew his request on the ruling of the Chair.

Mr. Hall moved to suspend the rules, Rule 7, Sec. 3(d) to allow the amendment to be considered.

Mr. Elmer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

SPEAKER WITHEM PRESIDING

The Hall motion to suspend the rules lost with 13 ayes, 22 nays, 8 present and not voting, and 6 excused and not voting.

Mr. Hall withdrew his amendment.

Mr. Beutler offered the following amendment to the Standing Committee amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3687.)

Mr. Haberman requested a ruling of the Chair on whether the Beutler amendment is germane to the Standing Committee amendment.

The Chair ruled the Beutler amendment is germane to the Standing Committee amendment.

Mr. Beutler requested a division of the question on his amendment to the Standing Committee amendment.

The Chair sustained the division of the question.

The first Beutler amendment, to the Standing Committee amendment, is as follows:
FA444

(Amendments to Standing Committee amendments, AM3281)

1. Strike sections 1 and 2 and insert the following new sections:

"Section 1. Sections 1 to 5 of this act shall be known and may be cited as the Drinking Water Source Quality Act.

Sec. 2. (1) The Legislature finds that:

(a) Safe drinking water sources are precious resources, the maintenance, protection, and conservation of which are essential to the well-being of the State of Nebraska and its citizens both now and in the future;

(b) The long-term protection of drinking water source quality is made more difficult because of the increasingly widespread use of products which can run off into streams, percolate into ground water, and cause environmental degradation and persistent dangerous threats to public health;

(c) There now exist, and may exist more, alternative sustainable agricultural, horticultural, and lawn-care practices which are effective and economical and impose much-reduced burdens on the environment as well as reduced risks to public health;

(d) It is essential that alternative practices be refined and demonstrated in order to induce more people to adopt such practices as will help stem further degradation of drinking water source quality and maintain that quality in the future;

(e) It is essential that members of the agricultural and industrial communities of Nebraska and all Nebraskans who grow plants implement such alternative practices to protect drinking water source quality;

(f) The quality of water delivered by Nebraska

public water suppliers is highly regulated with mandatory expensive testing on regular schedules for dangerous contaminants; and

(g) The high expense of adequate and meaningful water testing places a heavy burden on the water consumer, both public and private, with some of the most costly drinking water tests being for the carcinogenic synthetic organic compounds.

(2) The goals of the state are that drinking water source quality be protected by the prevention of contamination. Irrespective of the delivery mechanism, safe drinking water should not be dependent upon the payment of high test costs which rightfully should be part of the cost of those materials which create contamination.

Sec. 3. For purposes of the Drinking Water Source Quality Act:

(1) Approved principal laboratory shall mean the drinking water testing facility certified as meeting the standards and capabilities required by the United States Environmental Protection Agency's Safe Drinking Water Program;

(2) Contaminant shall mean any material determined by the Director of Health to be potentially harmful to human health pursuant to section 71-5302 which percolates or otherwise enters ground water or runs off into surface water due to action of any person and causes degradation of the quality of water sufficient to make it unsuitable for drinking water or other present or reasonably foreseeable future beneficial uses;

(3) Distribute shall mean sell, barter, or otherwise supply a product for use in Nebraska;

(4) Drinking water source shall mean ground water which occurs in or moves, filters, or percolates through ground under the surface of the land and surface water which occurs in rivers, streams, and lakes from which it can be taken and treated for consumption;

(5) Manufacture shall mean make, process, formulate, mix, produce, or otherwise prepare a product for distribution;

(6) Pesticide shall mean any insecticide, fungicide, rodenticide, herbicide, nematocide, plant regulator, defoliant, or desiccant as defined in section 2-2624;

(7) Safe drinking water shall mean water for human consumption which meets the standards set forth by the Nebraska Safe Drinking Water Act and rules and regulations promulgated thereunder;

(8) Sustainable agriculture, horticulture, and lawn care shall mean agricultural production and other growing strategies which (a) conserve and protect natural resources, in particular soil, water, and nonrenewable resources, (b) enhance soil fertility and tilth, (c) minimize adverse impacts

on wildlife and the environment, and (d) promote the health and safety of property owners, farmers, workers, and the public. Sustainable strategies shall include integration of biological functions, cycles, and controls, reduced reliance on unnatural manufactured growing and production inputs, crop and variety rotations to interrupt pest cycles and build soil fertility, maintenance of protective cover on the soil, and diversity of crops, plantings, and species, both plant and livestock, to enhance stability; and

(9) Water test shall mean prescribed controlled scientific procedures performed by the approved principal laboratory to determine the presence and relative concentration of specified contaminants in water samples submitted by public water suppliers and individuals using private wells.

Sec. 4. There is hereby created the Drinking Water Source Quality Fund. This fund shall consist of all fees credited to the fund pursuant to the Drinking Water Source Quality Act, any additional money appropriated to the fund by the Legislature, and any gifts, bequests, or other contributions received for credit to the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 5. (1) Subject to subsection (2) of this section, the Drinking Water Source Quality Fund shall be used only in accordance with the following:

(a) One-third of the money credited to the fund shall be available for the Nebraska Natural Resources Commission to finance a grant program of sustainable agriculture, horticulture, and lawn-care research and demonstration projects, with grant funds to be awarded on a competitive basis among proposals submitted through the natural resources districts of the state. Participating districts shall solicit competitive proposals for such projects from the agricultural community, nonprofit organizations, and educational institutions for submission to the commission. Competition for grants and the amounts thereof shall be based on factors such as adaptability, attractiveness, practicality, value, documentation, representative soil types, methods to be employed, scope of the research or demonstration, projected results, visibility, public access, educational potential, and outreach strategy. A percentage of each grant, not to exceed ten percent, shall be paid for supervision and oversight to the districts submitting the successful proposals. The commission shall adopt and promulgate rules and regulations necessary to carry out this subdivision; and

(b) Two-thirds of the money credited to the fund

shall be made available to the Department of Health for the administration of the Nebraska Safe Drinking Water Act. The money shall be used to subsidize the cost of drinking water tests which are required by the act and the rules and regulations promulgated thereunder which are performed by the approved principal laboratory. The purpose of such subsidization shall be to provide such tests for modest fees to public water suppliers using well water to facilitate and encourage adequate testing. If the funds available are not sufficient to so subsidize all drinking water testing, then the subsidy shall apply first to the most costly tests, especially the tests for synthetic organic compounds followed in descending order of cost by the other tests. The results of all drinking water testing shall be tabulated by the testing agency as a water source quality data base indexed by geographical location, contaminants found, and other attributes as may be expedient and desirable with such information to be available to other agencies, organizations, and individuals to whom the information may be helpful for information, education, research, and planning.

(2) Commencing January 1, 1996, money from the fund shall not be made available for use under this section unless the commission and the department have prepared and submitted to the Natural Resources Committee of the Legislature written annual reports which outline the actual and planned uses or obligations of money from the fund during both the immediately preceding fiscal year and the forthcoming fiscal year and evaluate the success of efforts undertaken by use of the money.

Mr. Robinson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Moore requested a ruling of the Chair on whether the Beutler amendment is germane to the Standing Committee amendment.

The Chair ruled the Beutler amendment is not germane to the Standing Committee amendment.

Mr. Beutler challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mrs. Bohlke, Messrs. Fisher, Vrtiska, and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

MESSAGES FROM THE GOVERNOR

March 15, 1994

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 876e, 877, 878e, 621, 874, 895, 899, 918, 925, 938, 948e, 964, 978, 1004, 1004A, and 1021 were received in my office on March 10, 1994; Engrossed Legislative Bills 212, 868, 889, 892, 930e, and 1005 were received on March 11, 1994; Engrossed Legislative Bills 1017, 883, 883A, 980, 611, 642, 642A, 929, and 1116 were received on March 15, 1994.

These bills were signed by me on March 15, 1994, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

March 16, 1994

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 1025 was received in my office on March 10, 1994.

This bill was signed by me on March 16, 1994, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 76 in the Journal. No objections. So ordered.

AM3801

(Amendments to AM3529)

1. Strike amendments 1, 3, 4, and 5 and renumber the remaining amendment accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LB 76 in the Journal. No objections. So ordered.

AM3802

(Amendments to AM3529)

1. Strike amendments 3 and 4 and renumber the remaining amendment accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LB 76 in the Journal. No objections. So ordered.

AM3803

(Amendments to AM3529)

1. On page 1, line 17, strike "county" and insert "state"; and in line 19 strike "Governor" and insert "county".

2. On page 2, strike beginning with "county" in line 1 through "board" in line 2 and insert "state personnel policies and procedures".

Mr. Withem asked unanimous consent to print the following amendment to LB 76 in the Journal. No objections. So ordered.

AM3804

(Amendments to AM3529)

1. On page 1, strike beginning with the last comma in line 7 through "volunteers" in line 9.

REPORT

Received report from the City of Lincoln Training Resource Center for the greater Lincoln service delivery area of the proposed Title III Plan for the two year period beginning July 1, 1994 to June 30, 1996.

VISITORS

Visitors to the Chamber were 31 seventh grade students and sponsor from Nowlin Middle School, Kansas City, Missouri; Shirley Doan from Lincoln; 30 students and sponsors from Elkhorn High School; 50 students, teacher, and sponsor from South High School, Omaha; Don Brunken and Steve Bosiljevac from Omaha; and Jane Miller.

RECESS

At 12:00 noon, on a motion by Mr. Beutler, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman and Ms. Schimek who were excused; and Messrs. Abboud, Ashford, Bromm, Coordsen, Dierks, Hall, Kristensen, Landis, Schellpeper, Wesely, and Mrs. Robak who were excused until they arrive.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: 343, 342, 340, 339, 338, and 336.

MESSAGE FROM THE GOVERNOR

March 16, 1994

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 977 was received in my office on March 10, 1994; Legislative Bill 123 was received on March 11, 1994.

These bills were signed by me on March 16, 1994, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

SELECT FILE

LEGISLATIVE BILL 1129. The Matzke pending amendment, AM3491, found in the Journal on page 976 and considered on page 1142, was renewed.

Mrs. Witek offered the following amendment to the Matzke pending amendment:
FA449
Amend Matzke amendment, AM3491
on line 7 after "the" add "implicit or explicit"

The Witek amendment lost with 13 ayes, 0 nays, 23 present and not voting, and 13 excused and not voting.

Mr. Chambers offered the following amendment to the Matzke pending amendment:

FA450

Amend AM3491

Page 1, line 10, after "section." strike remaining language through line 17.

MR. LINDSAY PRESIDING

Messrs. Moore, Wehrbein, Engel, Lynch, and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Chambers requested a roll call vote on his amendment to the Matzke pending amendment.

Voting in the affirmative, 13:

Bernard-Stevens	Chambers	Landis	Monen	Will
	Day	Lindsay	Pedersen	Withem
Beutler	Hall	McKenzie	Preister	

Voting in the negative, 17:

Abboud	Elmer	Kristensen	Pirsch	Warner
Bromm	Fisher	Matzke	Robak	Wesely
Crosby	Janssen	Moore	Vrtiska	Wickersham
Cudaback	Jones			

Present and not voting, 9:

Avery	Byars	Hartnett	Rasmussen	Schmitt
Bohlke	Haberman	Hudkins	Robinson	

Excused and not voting, 10:

Ashford	Dierks	Hillman	Schellpeper	Wehrbein
Coordsen	Engel	Lynch	Schimek	Witek

The Chambers amendment lost with 13 ayes, 17 nays, 9 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mrs. Rasmussen asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers renewed his pending amendment, FA431, found in the Journal on page 1161, to the Matzke pending amendment.

Messrs. Monen and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

MR. HALL PRESIDING

SPEAKER WITHEM PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Chambers requested a roll call vote on his amendment to the Matzke pending amendment.

Voting in the affirmative, 13:

Ashford	Bernard-Stevens	Byars	Lindsay	Preister
Avery	Beutler	Chambers	McKenzie	Will
		Hall	Pedersen	Witek

Voting in the negative, 17:

Abboud	Fisher	Matzke	Robak	Wehrbein
Bromm	Hudkins	Moore	Vrtiska	Wesely
Crosby	Jones	Pirsch	Warner	Wickersham
Elmer	Kristensen			

Present and not voting, 10:

Bohlke	Cudaback	Haberman	Janssen	Schmitt
Coordsen	Day	Hartnett	Robinson	Withem

Excused and not voting, 9:

Dierks	Hillman	Lynch	Rasmussen	Schimek
Engel	Landis	Monen	Schellpeper	

The Chambers amendment lost with 13 ayes, 17 nays, 10 present and not voting, and 9 excused and not voting.

Pending.

The Chair declared the call raised.

Messrs. Coordsen, Hartnett, and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 498 and 498A.

Enrollment and Review Change to LB 498

The following changes, required to be reported for publication in the Journal, have been made:
ER7430

1. In the Wesely amendment, AM3312, on page 9, line 13, "83-308.01" has been struck and "83-380.01" inserted.

2. On page 1, line 1, "treatment" has been struck; in line 2 "83-380.01" has been struck and "29-3701, 29-3702, 29-3703," inserted; and the matter beginning with "to" in line 4 through line 5 has been struck and "to change criminal procedure provisions relating to treatment of persons found not responsible by reason of insanity;" inserted.

3. On page 3, line 23, an underscored comma has been inserted after "to".

4. On page 4, line 20, "a term" has been struck and "terms" inserted.

(Signed) Janis M. McKenzie, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Byars asked unanimous consent to print the following amendment to LB 1136 in the Journal. No objections. So ordered.

AM3796

1. Strike original sections 2 and 3 and insert the following new section:

"Sec. 2. It is the intent of the Legislature that there be appropriated from the General Fund, in addition to the amount of the continuation budget to the Department of Public Institutions, for Program 424, (1) $2,000,000 for FY1994-95, (2) $3,000,000 for FY1995-96, (3) $4,000,000 for FY1996-97, (4) $5,000,000 for FY1997-98, (5) $7,000,000 for

FY1998-99, and (6) $8,000,000 for FY1999-2000.".
2. Renumber the remaining sections accordingly.

Mr. Byars asked unanimous consent to print the following amendment to LB 1136A in the Journal. No objections. So ordered.

AM3794
1. On page 2, line 10, after "appropriated" insert "(1) $2,000,000 from the General Fund and $600,000 from federal funds for FY1994-95 and (2)".

SELECT FILE

LEGISLATIVE BILL 1129. Mr. Chambers renewed his pending amendment, FA432, found in the Journal on page 1161, to the Matzke pending amendment.

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Chambers amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Messrs. Warner, Kristensen, Wickersham, and Will asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Matzke moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The Matzke pending amendment, AM3491, as amended, was renewed.

Mr. Pedersen requested a roll call vote on the Matzke amendment, as amended.

Voting in the affirmative, 31:

Abboud	Crosby	Fisher	Matzke	Robinson
Ashford	Cudaback	Hall	McKenzie	Schmitt
Avery	Day	Hudkins	Moore	Vrtiska
Beutler	Dierks	Janssen	Pirsch	Wehrbein
Bohlke	Elmer	Jones	Preister	Wesely
Bromm	Engel	Lindsay	Robak	Withem
Byars				

Voting in the negative, 4:

Bernard-Stevens	Chambers	Pedersen	Witek	

Excused and not voting, 14:

Coordsen	Hillman	Lynch	Schellpeper	Wickersham
Haberman	Kristensen	Monen	Schimek	Will
Hartnett	Landis	Rasmussen	Warner	

The Matzke amendment, as amended, was adopted with 31 ayes, 4 nays, and 14 excused and not voting.

The Chair declared the call raised.

Mr. Chambers moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 31:

Abboud	Crosby	Fisher	McKenzie	Schmitt
Ashford	Cudaback	Hudkins	Moore	Vrtiska
Avery	Day	Janssen	Pirsch	Wehrbein
Beutler	Dierks	Jones	Preister	Wesely
Bohlke	Elmer	Lindsay	Robak	Witek
Bromm	Engel	Matzke	Robinson	Withem
Byars				

Voting in the negative, 3:

Bernard-Stevens	Chambers	Pedersen

Present and not voting, 1:

Hall

Excused and not voting, 14:

Coordsen	Hillman	Lynch	Schellpeper	Wickersham
Haberman	Kristensen	Monen	Schimek	Will
Hartnett	Landis	Rasmussen	Warner	

Advanced to E & R for engrossment with 31 ayes, 3 nays, 1 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 1243 in the Journal. No objections. So ordered.

(Amendment, AM3612, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Messrs. Hall, Lindsay, and Chambers asked unanimous consent to print the following amendment to LB 1066 in the Journal. No objections. So ordered.

AM3685

1. Insert the following new sections:

"Sec. 74. That section 72-1260, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1260. Sections 72-1237 to 72-1259 and sections 144 to 146 of this act may be cited as the Nebraska State Funds Investment Act.

Sec. 144. (1) By January 1 of each year, the state investment officer shall: (a) Compile a list of corporations that directly or through a subsidiary do business in Northern Ireland and in whose stocks or obligations the state investment officer has invested state funds and (b) determine whether each corporation on the list has during the preceding year taken affirmative action to eliminate religious or ethnic discrimination in Northern Ireland.

(2) In making the determination required by this section, the state investment officer shall consider whether a corporation has during the preceding year taken substantial action designed to lead toward the achievement of the following goals, known internationally as the MacBride principles:

(a) Increasing representation of persons from underrepresented religious groups at all levels on its workforce;

(b) Providing adequate security for employees who are members of minority religious groups, both at the workplace and while traveling to and from work;

(c) Banning provocative religious or political emblems from the workplace;

(d) Publicly advertising all job openings and making special recruiting efforts to attract applicants from underrepresented religious groups;

(e) Providing that layoff, recall, and termination procedures do not in practice favor workers who are members of particular religious groups;

(f) Abolishing job reservations, apprenticeship restrictions, and differential employment criteria that discriminate on the basis of religious or ethnic origin;

(g) Developing new programs and expanding existing programs to prepare current employees who are members of minority religious groups for skilled jobs;

(h) Establishing procedures to assess, identify, and recruit employees who are members of minority religious groups and who have potential for advancement; and

(i) Appointing senior management employees to oversee affirmative action efforts and the setting of timetables for carrying out this section.

(3) The state investment officer shall provide to the Legislature a copy of his or her report and findings on the first day of each regular session of the Legislature.

Sec. 145. (1) With respect to corporations doing business in Northern Ireland, the state investment officer shall, consistent with section 72-1246, invest in corporate stocks or obligations in a manner to encourage corporations that in the state investment officer's determination pursue a policy of affirmative action in Northern Ireland.

(2) Whenever feasible, the Nebraska Investment Council shall sponsor, cosponsor, or support shareholder resolutions designed to encourage corporations in which the state investment officer has invested to pursue a policy of affirmative action in Northern Ireland.

Sec. 146. Nothing in sections 144 to 146 of this act shall be construed to require the state investment officer to dispose of existing investments.".

2. On page 164, line 12, strike "144" and insert "148"; and in line 25 after the fourth comma insert "72-1260,".

3. Renumber the remaining sections accordingly.

Mr. Withem asked unanimous consent to print the following amendment to LB 1290 in the Journal. No objections. So ordered.

AM3720

1. Insert the following new section:

"Section 1. That section 79-3805, Revised Statutes Supplement, 1992, be amended to read as follows:

79-3805. (1) Using data from the annual financial reports and the annual statistical summary reports for the most recently available complete data year, the department shall calculate the tiered cost per student for grades kindergarten, one through six, including full-day kindergarten, seven and eight, and nine through twelve for each district as described in subsections (2) through (8) of this section.

(2) Each district's general fund operating expenditures for grades kindergarten, one through six, including full-day kindergarten, seven and eight, and nine through twelve shall be computed as follows: (a) The weighted average daily membership for kindergarten shall equal the average daily membership for kindergarten multiplied by five-tenths; (b) the weighted average daily membership for grades one through six, including full-day kindergarten, shall equal the average daily membership for such grades multiplied by one; (c) the weighted average daily membership for grades seven and eight shall equal the average daily membership for such grades multiplied by one and two-tenths; (d) the weighted average daily membership for grades nine through twelve shall equal the average daily membership for such grades multiplied by one and four-tenths; and (e) the total weighted average daily membership shall equal the sum of grades kindergarten, one through six, including full-day kindergarten, seven and eight, and nine through twelve weighted average daily membership values. Each district's general fund operating expenditures for each grade group shall be calculated by dividing that grade group's weighted average daily membership by the total weighted average daily membership in the district and multiplying the result by the district's total general fund operating expenditures.

(3) Each district with general fund operating expenditures in grades one through six, including full-day kindergarten, shall be placed into a tier based on the following schedule.

Tier	Tier midpoint	Average daily membership range
1	50.50	.01 - 101.00
2	143.00	101.01 - 185.00
3	280.00	185.01 - 375.00
4	687.50	375.01 - 1,000.00
5	1,450.00	1,000.01 - 1,900.00
~~6~~	~~8,450.00~~	~~1,900.01 - 15,000.00~~
6	6,950.00	1,900.01 - 12,000.00
~~7~~	~~Median average daily membership of tier~~	~~15,000.01 and over~~
7	Median average daily membership of tier	12,000.01 and over

The average general fund operating expenditures per student for grades one through six, including full-day kindergarten, shall be calculated for each tier by adding the total general fund operating expenditures for such grades for all districts in the tier and dividing by the total average daily membership for such grades for all districts in the tier.

(4) Each district with general fund operating

expenditures in grades nine through twelve shall be placed in a tier based on the following schedule.

Tier	Tier midpoint	Average daily membership range
1	25.00	.01 - 50.00
2	62.50	50.01 - 75.00
3	87.50	75.01 - 100.00
4	125.00	100.01 - 150.00
5	200.00	150.01 - 250.00
6	375.00	250.01 - 500.00
7	750.00	500.01 - 1,000.00
~~8~~	~~5,500.00~~	~~1,000.01 - 10,000.00~~
8	4,000.00	1,000.01 - 7,000.00
~~9~~	~~Median average daily membership of tier~~	~~10,000.01 and over~~
9	Median average daily membership of tier	7,000.01 and over

The average general fund operating expenditures per student for grades nine through twelve shall be calculated for each tier by adding the total general fund operating expenditures for such grades for all districts in the tier and dividing such sum by the total average daily membership for such grades for all districts in the tier.

(5) Tiered cost per student values shall be computed for grades one through six, including full-day kindergarten, for each district as follows:

(a) For districts with average daily memberships for grades one through six, including full-day kindergarten, which are less than the midpoint of tier 1 for such grades, the tiered cost per student shall equal the average general fund operating expenditures per student for tier 1;

(b) For districts with average daily memberships for grades one through six, including full-day kindergarten, which are greater than the midpoint of tier 7 for such grades, the tiered cost per student for such grades shall equal the average general fund operating expenditures per student for tier 7; and

(c) For districts with average daily memberships for grades one through six, including full-day kindergarten, which fall on or between the midpoints of any two tiers, the tiered cost per student for such grades shall be calculated by means of a linear transition between the average general fund operating expenditures per student of the two tiers between whose midpoints the districts' average daily memberships for such grades fall.

(6) Tiered cost per student values shall be computed for grades nine through twelve for each district as follows:

(a) For districts with average daily memberships for grades nine through twelve which are less than the midpoint of

tier 1 for such grades, the tiered cost per student shall equal the average general fund operating expenditures per student for tier 1;

(b) For districts with average daily memberships for grades nine through twelve which are greater than the midpoint of tier 9 for such grades, the tiered cost per student for such grades shall equal the average general fund operating expenditures per student for tier 9; and

(c) For districts with average daily memberships for grades nine through twelve which fall on or between the midpoints of any two tiers, the tiered cost per student for such grades shall be calculated by means of a linear transition between the average general fund operating expenditures per student of the two tiers between whose midpoints the districts' average daily memberships for such grades fall.

(7) The tiered cost per student for kindergarten shall be calculated by multiplying each district's tiered cost per student for grades one through six, including full-day kindergarten, by five-tenths.

(8) The tiered cost per student for grades seven and eight shall be calculated as follows: For Class II, Class III, Class IV, and Class V districts, the tiered cost per student shall be the calculated mean of the district's tiered cost per student for grades one through six, including full-day kindergarten, and for grades nine through twelve; for Class I districts, the tiered cost per student shall be the district's tiered cost per student for grades one through six, including full-day kindergarten, multiplied by one and two-tenths; and for Class VI districts providing instruction in grades seven and eight as authorized by section 79-1109, the tiered cost per student shall be the district's tiered cost per student for grades nine through twelve multiplied by one and two-tenths and the result divided by one and four-tenths.

(9) The tiered cost per student for nonresident high school tuition funds shall be the average general fund operating expenditures per student for grades nine through twelve for all districts included in subsection (4) of this section.

(10) In districts which receive payments pursuant to Public Law 81-874 and in which there are students enrolled who reside on Indian land, as defined under regulations of the United States Department of Education in effect on July 10, 1990, promulgated pursuant to Public Law 81-874, the tiered cost per student, for each grade level, calculated pursuant to subsections (5) through (8) of this section, shall be increased by a factor equal to the result of multiplying the ratio of average daily attendance of students who reside on Indian land to the total average daily attendance of the

district, as reported by the United States Department of Education in calculating the district's payment pursuant to Public Law 81-874, times twenty-five percent.".

2. On page 2, line 14, strike "section" and insert "sections 79-3805 and".

3. Renumber the remaining sections accordingly.

Mr. Hartnett asked unanimous consent to print the following amendment to LB 1139 in the Journal. No objections. So ordered.

AM3817

(Amendments to E & R amendments, AM5685)

1. On page 4, line 6, after the period insert "The authority granted to a county under the provisions of the County Industrial Sewer Construction Act shall extend to the acquisition, leasing, or contracting for the use of a sewerage disposal system and plant or plants, and the county shall exercise this authority in the same manner as provided in the act for the construction, installation, improvement, or extension of a sewerage disposal system and plant or plants. A county is authorized to contract for the performance of any act or function provided for in the act with regard to the construction, installation, improvement, or extension of a sewerage disposal system and plant or plants or for the acquisition, leasing, or contracting for the use of a sewerage disposal system and plant or plants, except for such acts or functions as are governmental in nature."; in line 8 strike beginning with "County" through "Act" and insert "act"; and in lines 14 and 19 strike "such" and insert "the".

2. On page 5, line 26, strike "public political entity" and insert "political subdivision".

3. On page 13, line 9, strike "improvements" and insert "system, improvement, or extension".

4. On page 15, lines 13 and 17, after "county" insert "board".

5. On page 16, line 4, strike beginning with "county" through "a"; in line 6 strike "which"; and in line 17 after "county" insert "board".

6. On page 18, line 17, after "fund" insert "except as provided in section 25 of this act".

7. On page 24, line 20; page 25, lines 2 and 5; and page 26, lines 9 and 16, strike "delineates" and insert "adopts a map designating and delineating".

SELECT FILE

LEGISLATIVE BILL 1250. E & R amendment, AM5678, printed separately from the Journal and referred to on page 904, was adopted.

Mrs. Witek withdrew her amendment, AM3461, found in the Journal on page 938.

Mr. Withem renewed his pending amendment, AM3442, found in the Journal on page 939.

The Withem amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for engrossment.

MR. LINDSAY PRESIDING

LEGISLATIVE BILL 1275. E & R amendment, AM5676, found in the Journal on page 904, was adopted.

Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

Mrs. Crosby and Mr. Hartnett renewed their pending amendment, AM4015, found in the Journal on page 914.

The Crosby-Hartnett amendment was adopted with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

Mr. Withem withdrew his amendment, AM4009, found in the Journal on page 923.

Mr. Withem renewed his pending amendment, AM3615, found in the Journal on page 1145.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

The Withem amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Beutler renewed his pending amendment, AM3779, found in the Journal on page 1232.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 984 in the Journal. No objections. So ordered.

AM3821

(Amendments to Standing Committee amendments, AM3408)

1. On page 2, strike beginning with "together" in line 1 through "2-4012" in line 3 and all amendments thereto and insert "by the Department of Agriculture"; in line 21 after the period insert "The amount of excise tax paid by the seller under such section shall be stated separately from other fees on the grain settlement form given the seller at the time of sale."; in line 25 strike "and"; and in line 26 before the period insert ", and (e) the amount of corn or grain sorghum which was not first purchased in Nebraska but was transported into Nebraska for use in this state".

2. On page 3, strike lines 3 and 4 and all amendments thereto and insert "the Department of Agriculture by"; in line 5 strike "January" through "October" and insert "month"; in line 15 strike "quarterly"; and strike beginning with "quarter" in line 16 through "31" in line 17 and insert "month".

3. On page 7, strike beginning with "and" in line 1 through "act" in line 2 and all amendments thereto; and in line 7 strike "or remitting any tax".

4. On page 12, lines 15 and 26; and page 14, line 1, strike "There" and insert "For all tax years beginning on or after January 1, 1994, there".

Mr. Hall asked unanimous consent to print the following amendment to LB 76 in the Journal. No objections. So ordered.

AM3712

(Amendments to AM 3573)

1. On page 2, line 5, after "fees" insert "as determined by the committee of the Legislature designated by the Legislature before which a contested election is pending but not to exceed five thousand dollars for such services".

Messrs. Lindsay and Bernard-Stevens asked unanimous consent to print the following amendment to LB 972 in the Journal. No objections. So ordered.

AM3822

1. On page 2, line 24, strike "to", show as stricken, and insert "only (1) to" and after "and" insert "(2), in counties having a population of less than four hundred thousand inhabitants, to"; and in line 25 strike "only.", show as stricken, and insert an underscored period.

Mr. Will asked unanimous consent to print the following amendment to LB 137 in the Journal. No objections. So ordered.

AM3758

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 25-224, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-224. (1) All product liability actions as defined in section 25-21,180, except one governed by subsection (5) of this section, shall be commenced within four years next after the date on which the death, injury, or damage complained of occurs.

(2) Notwithstanding subsection (1) of this section or any other statutory provision to the contrary, any product liability action, except one governed by section 2-725, Uniform Commercial Code or by subsection (5) of this section, shall be commenced within ~~ten~~ twenty years after the date when the product which allegedly caused the personal injury, death, or damage was first sold or leased for use or consumption.

(3) The limitations contained in subsection (1), (2), or (5) of this section shall not be applicable to indemnity or contribution actions brought by a manufacturer or seller of a product against a person who is or may be liable to such manufacturer or seller for all or any portion of any judgment rendered against a manufacturer or seller.

(4) Notwithstanding the provisions of subsections (1) and (2) of this section, any cause of action or claim which any person may have on July 22, 1978, may be brought not later than two years following such date.

(5) Any action to recover damages based on injury allegedly resulting from exposure to asbestos composed of chrysotile, amosite, crocidolite, tremolite, anthrophyllite, actinolite, or any combination thereof, shall be commenced within four years after the injured person has been informed of discovery of the injury by competent medical authority and that such injury was caused by exposure to asbestos as described herein, or within four years after the discovery of facts which would reasonably lead to such discovery, whichever is earlier. No action commenced under this subsection based on the doctrine of strict liability in tort shall be commenced or maintained against any seller of a product which is alleged to contain or possess a defective condition unreasonably dangerous to the buyer, user, or consumer unless such seller is also the manufacturer of such product or the manufacturer of the part thereof claimed to be defective. Nothing in this subsection shall be construed to permit an action to be brought based on an injury described in this subsection discovered more than two years prior to August 30, 1981.

Sec. 2. The total amount recoverable under the State Tort Claims Act for claims arising out of an occurrence

on or after the effective date of this act shall be limited to (1) one million two hundred fifty thousand dollars for any one person for any number of claims arising out of a single occurrence and (2) five million dollars for all claims arising out of a single occurrence. Commencing January 1, 1996, and each January 1 thereafter, the dollar limitations in this section shall be adjusted for the change in the Consumer Price Index for All Urban Consumers over the past year. The Risk Manager shall make such annual adjustments to the dollar limitations pursuant to this section.

Sec. 3. That section 81-8,235, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,235. Sections 81-8,209 to 81-8,235 and section 2 of this act shall be known and may be cited as the State Tort Claims Act.

Sec. 4. That original sections 25-224 and 81-8,235, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

VISITORS

Visitors to the Chamber were 60 fourth grade students and teacher from Lost Creek Elementary, Columbus; 53 seniors and teacher from Minden High School; 28 seniors and teachers from Kearney High School; 13 students and teacher from Axtell Public Schools; four students and teacher from Wilcox High School; two students and sponsors from Hildreth Public Schools; 25 seniors and sponsor from Gibbon High School; Senator Matzke's sister, Ellan, and brother-in-law, Andrew "Skip" Hove, from Minden and Washington D.C., and sister-in-law, Dorothy Matzke, from Lincoln; and Stefan Karlsson and Maria Bogren from Sweden and Alan and Noreen Songster from York County.

The Doctor of the Day was Cheryl Bodun from Lincoln.

ADJOURNMENT

At 4:28 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Thursday, March 17, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

OF THE

STATE OF NEBRASKA

Volume 2

NINETY-THIRD LEGISLATURE
SECOND SESSION

1994

Convened January 5, 1994 Adjourned April 15, 1994

LINCOLN, NEBRASKA

Compiled

Under the Authority of the Legislature

by

PATRICK J. O'DONNELL, CLERK

printed on recycled paper

FORTY-THIRD DAY - MARCH 17, 1994

LEGISLATIVE JOURNAL

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NINETY-THIRD LEGISLATURE
SECOND SESSION

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 17, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Monsignor Ivan Vap, Cathedral of the Risen Christ, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Messrs. Abboud, Chambers, Coordsen, Engel, Hall, Landis, Lindsay, Monen, Warner, Will, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mrs. Robak asked unanimous consent to print the following amendment to LB 1022 in the Journal. No objections. So ordered.

AM3771

1. Insert the following new section:

"Section 1. That section 81-15,176, Revised Statutes Supplement, 1993, be amended to read as follows:

81-15,176. (1) Subject to subsection (3) of this

section, the board shall establish environmental priorities for the trust. The board, after allowing opportunity for public comment, shall designate as priorities those environmental goals which most affect the natural physical and biological environment in Nebraska, including the air, land, ground water and surface water, flora and fauna, prairies and forests, wildlife and wildlife habitat, and areas of aesthetic or scenic values. In designating environmental priorities, the board shall designate as the first priority cleanup costs for ground water pollution occurring as a result of activities carried on at the site of a licensed landfill in Nebraska owned or operated by a person pursuant to a contract with a political subdivision, whether such activities occurred before or after such person's ownership or operation. After meeting such existing needs, the board shall attempt to focus on the areas which promise the greatest opportunities for effective action to achieve and preserve the future environmental quality in the state. The board shall establish priorities for five-year periods beginning July 1, 1995, except that the board may make annual modifications to refine and clarify its priorities. The board shall provide for public involvement in developing the priorities for such five-year periods, including public meetings in each of the three congressional districts.

(2) The board shall establish criteria for determining the eligibility of projects for assistance from the fund, which criteria shall include the following:

(a) The fund shall not provide direct assistance to regulatory programs or to implement actions mandated by regulations except remediation;

(b) Before January 1, 1997, no more than twenty-five percent of allocations in any year shall assist remediation of soils or ground water, and no allocation for this purpose shall occur unless all other available sources of funding are, in the opinion of the board, being substantially utilized except for situations as described in subdivision (1) of this section. On and after January 1, 1997, no more than sixty percent of allocations in any year shall assist remediation of soils or ground water, and no allocation for this purpose shall occur unless all other available sources of funding are, in the opinion of the board, being substantially utilized except for situations as described in such subdivision;

(c) ~~The fund shall not pay for private benefits or to relieve private liability for environmental damage;~~

~~(d)~~ The fund shall not pay for projects which have direct beneficiaries who could afford the costs of the benefits without experiencing serious financial hardship;

~~(e)~~ (d) The fund should assist those projects which offer the greatest environmental benefits relative to cost;

~~(f)~~ (e) The fund should assist those projects which provide clear and direct environmental benefits;

~~(g)~~ (f) The fund should assist those projects which will make a real contribution to achieving the board's environmental priorities; and

~~(h)~~ (g) The fund should assist those projects which offer the greatest public benefits.

(3) Until the first five-year priorities become effective on July 1, 1995, the board shall observe the following initial priorities for allocating funds:

(a) Cleanup of ground water pollution in the situations described in subdivision (1) of this section;

(b) Critical habitat areas, including wetlands acquisition, preservation, and restoration and acquisition and easements of areas critical to rare or endangered species. Land and easements shall not be acquired without the full and express consent of the landowner;

~~(b)~~ (c) Surface water quality, including actions to preserve lakes and streams from degradation;

~~(c)~~ (d) Ground water quality, including fostering best management practices as defined in section 46-657, actions to preserve ground water from degradation, and remediation of soils or ground water in situations other than those described in subdivision (1) of this section; and

~~(d)~~ (e) Development of recycling markets and reduction of solid waste volume and toxicity.

(4) The board may refine and clarify these initial priorities.".

2. On page 2, line 24, after "applicants" insert "as provided in subsection (3) of this section"; and after line 26 insert:

"(3) The council shall determine priority among applicants for projects eligible for payment or reimbursement from the fund, except that the first priority shall be given to any applicant who or which operated a licensed landfill in Nebraska on the site of a landfill previously operated by or on behalf of a political subdivision.".

3. On page 3, line 24, before "are" insert "and section 81-15,176, Revised Statutes Supplement, 1993,".

4. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 1275. The Beutler pending amendment, AM3779, found in the Journal on page 1232 and considered on page 1262, was renewed.

The Beutler amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Messrs. Withem and Hall offered the following amendment:
AM3827

(Amendments to E & R amendments, AM5676)

1. On page 4, strike line 11 and insert ", as designated by the county board, mail to a newspaper of general circulation and to licensed broadcast media in the county".

The Withem-Hall amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 76. E & R amendment, AM5649, printed separately from the Journal and referred to on page 574, was adopted.

Mr. Withem renewed his pending amendment, AM2080, found in the Journal on page 358.

Mr. Withem withdrew his amendment.

Ms. Schimek renewed her pending amendment, AM3375, printed separately from the Journal and referred to on page 938.

The Schimek amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Kristensen renewed his pending amendment, AM2782, found in the Journal on page 738.

Mr. Hall asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Kristensen moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Kristensen requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Abboud	Coordsen	Fisher	Moore	Vrtiska
Ashford	Crosby	Hudkins	Pedersen	Warner
Bernard-Stevens	Cudaback	Jones	Pirsch	Wehrbein
Byars	Elmer	Kristensen	Robinson	Witek
	Engel	Matzke	Schmitt	

Voting in the negative, 20:

Avery	Day	Landis	Preister	Schimek
Beutler	Hall	Lindsay	Rasmussen	Wesely
Bohlke	Hartnett	Lynch	Robak	Wickersham
Bromm	Janssen	McKenzie	Schellpeper	Withem

Present and not voting, 3:

Chambers	Dierks	Monen

Excused and not voting, 3:

Haberman	Hillman	Will

The Kristensen amendment lost with 23 ayes, 20 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Withem withdrew his amendment, AM3376, found in the Journal on page 940.

Mr. Preister renewed his pending amendment, AM3170, found in the Journal on page 962.

Mr. Preister moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Preister requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Ashford	Bromm	Dierks	Janssen	Rasmussen
Avery	Byars	Engel	Lindsay	Wesely
Bernard-Stevens	Chambers	Hall	Lynch	Wickersham
Beutler	Coordsen	Hartnett	Pedersen	Will
Bohlke	Day	Hudkins	Preister	Withem

Voting in the negative, 10:

Abboud	Landis	Monen	Pirsch	Warner
Kristensen	Matzke	Moore	Vrtiska	Witek

Present and not voting, 12:

Crosby	Cudaback	Elmer	Fisher	Jones

McKenzie Robinson Schimek Schmitt Wehrbein
Robak Schellpeper

Excused and not voting, 2:

Haberman Hillman

The Preister amendment was adopted with 25 ayes, 10 nays, 12 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Messrs. Avery, Vrtiska, and Fisher withdrew their amendment, AM3529, found in the Journal on page 1009.

Mr. Beutler renewed his pending amendment, AM3573, found in the Journal on page 1021.

The Beutler amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Mr. Withem renewed his pending amendment, AM3601, found in the Journal on page 1037.

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

The Withem amendment lost with 13 ayes, 8 nays, 24 present and not voting, and 4 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Moore asked unanimous consent to print the following amendment to LB 991 in the Journal. No objections. So ordered.

AM3780

1. On page 36, line 5, strike "409,944,812" and insert "409,980,724"; in line 10 strike "411,188,884" and insert "411,224,796"; and strike line 11, show as stricken, and insert "SALARY LIMIT 2,230,360 2,257,243".

2. On page 55, after line 9 insert:

"The General Fund appropriation to this program shall increase by an amount not to exceed $248,000 for FY1994-95 if funds are transferred from the Department of Social Services to accommodate a permanent reduction in residents and a commensurate reduction in licensed and certified beds resulting from the downsizing of the Axtell

campus of the Bethphage Residential Centers, Inc.".

3. On page 57, strike line 3, show as stricken, and insert "CASH FUND 564,700 651,900"; and in line 6 strike "103,508,902 105,748,865" and insert "103,632,902 105,919,365".

4. On page 63, after line 22 insert:

"If it is verified that the Lincoln Regional Center has received additional federal funds as a result of disproportionate share payments, the Department of Administrative Services shall reduce the General Fund appropriation to the Department of Public Institutions, for Program 365, for FY1993-94 by the amount verified not to exceed $1,000,000 and for FY1994-95 by the amount verified not to exceed $600,000. The General Fund appropriation for the Department of Social Services, Program 348, shall be increased by the verified amount for the corresponding fiscal years. The adjustments shall take place on May 2, 1994, for FY1993-94 and on June 1, 1995, for FY1994-95.".

5. On page 64, after line 5 insert:

"The Department of Social Services shall transfer the amount of General Fund savings resulting from the permanent reduction in residents age twenty-one and older who are eligible for the Nebraska medical assistance program and the commensurate reduction in licensed and certified beds resulting from the downsizing of the Axtell campus of Bethphage Residential Centers, Inc., to the Department of Public Institutions, Program 424, for purposes of providing community-based services for such residents who are displaced by such downsizing. The transfer shall not exceed $248,000 General Funds for FY1994-95.

The Department of Social Services shall report the amounts transferred and provide information to the Legislature regarding changes in the number of licensed and certified private ICF-MR beds by no later than June 30, 1995.".

6. On page 86, strike line 22, show as stricken, and insert "GENERAL FUND 287,252,052 290,292,213"; and strike line 23, show as stricken, and insert "PROGRAM TOTAL 287,252,052 290,292,213".

7. On page 92, line 19, after the period insert "There is included in the appropriation to this program for FY1994-95 $140,000 General Funds for the University of Nebraska-Lincoln for the Nebraska statewide Systemic Initiative for Math and Science Education.".

8. On page 115, line 9, after "program" insert "for FY1993-94"; in line 11 after "program" insert "for FY1994-95"; and in lines 21 and 23 strike "6,116" and insert "9,466".

Messrs. Lynch, Hartnett, Preister, Hall, Will, Lindsay, Monen, Beutler, Mmes. McKenzie, and Rasmussen asked unanimous consent to print

the following amendment to LB 1210 in the Journal. No objections. So ordered.

(Amendment, AM3727, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Wickersham asked unanimous consent to print the following amendment to LB 833 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM3773.)

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 16, 1994. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Lanner, Davorah - Lincoln	Nebraska Center for Legal Services (Withdrawn 03/11/94)
Lombardi-Erickson/American Communications Group	
Lombardi, Richard A. - Lincoln	Children's Mental Health Advocates
Nielsen, Kathy - Lincoln	Families Achieving Independence & Respect (Withdrawn 03/14/94)

SPEAKER WITHEM PRESIDING

SELECT FILE

LEGISLATIVE BILL 941. The Bromm pending amendment, AM3691, found in the Journal on page 1127 and considered on page 1158, was renewed.

Mr. Chambers withdrew his amendment, FA433, found in the Journal on page 1161, to the Bromm amendment.

The Bromm amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Messrs. Bromm and Chambers offered the following amendment:
FA451

Amend by striking the following words:

(1) On Page 2, Line 28, beginning with the word "the" through the word "or" on line 1, Page 3, and

(2) On Page 3, the words "the Act" on line 15, and "the Act or" on lines 19 and 20.

Mr. Ashford asked unanimous consent to be excused. No objections. So ordered.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bromm-Chambers amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1139. E & R amendment, AM5685, printed separately from the Journal and referred to on page 1055, was adopted.

Mr. Hartnett withdrew his amendment, AM3607, found in the Journal on page 1103.

Mr. Hartnett renewed his pending amendment, AM3817, found in the Journal on page 1261.

The Hartnett amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1002. E & R amendment, AM5679, found in the Journal on page 1055, was adopted.

Mr. Robinson withdrew his amendment, AM3586, found in the Journal on page 1052.

Mr. Beutler offered the following amendment:
AM3835

(Amendments to AM3224)

1. On page 1, line 10, strike "under the laws of this state"; in lines 11 and 14 after "water" insert "for domestic use"; in line 15 strike "or" and insert a comma and before the period insert ", or (c) any group of property owners who cooperatively own a water well for the sole purpose of providing water for domestic use to their property if each owner has an equal vote in determining the rates charged for the water"; and in line 16 strike ", charges, and services" and insert "and charges".

2. On page 2, line 15, after "customers" insert "and the commission".

The Beutler amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1066. E & R amendment, AM5693, found in the Journal on page 1111, was adopted.

Messrs. Hall, Lindsay, and Chambers renewed their pending amendment, AM3685, found in the Journal on page 1256.

Pending.

LEGISLATIVE BILL 1127. E & R amendment, AM5687, found in the Journal on page 1111, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 957. E & R amendment, AM5688, found in the Journal on page 1111, was adopted.

Mr. Matzke asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis renewed his pending amendment, AM3482, found in the Journal on page 1007.

The Landis amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1074. E & R amendment, AM5689, found in the Journal on page 1111, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1074A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1311. E & R amendment, AM5690, found in the Journal on page 1112, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1306. E & R amendment, AM5691, found in the Journal on page 1114, was adopted.

Mrs. Crosby offered the following amendment:
AM3496

1. Insert the following new sections:

"Sec. 12. That section 84-1511, Revised Statutes Supplement, 1993, be amended to read as follows:

84-1511. (1) The Public Employees Retirement Board shall establish a comprehensive preretirement planning program for state patrol officers, state employees, judges, county employees, and school employees who are members of the retirement systems established pursuant to Chapter 23, article 23, Chapter 24, article 7, Chapter 79, articles 10 and 15, Chapter 81, article 20, and Chapter 84, article 13. The program shall provide information and advice regarding the many changes employees face upon retirement including, but not limited to, changes in physical and mental health, housing, family life, leisure activity, and retirement income.

(2) The preretirement planning program shall be available to all employees who have attained the age of fifty or are within five years of qualifying for retirement or early retirement under their retirement systems.

(3) The preretirement planning program shall include information on the federal and state income tax consequences of the various annuity or retirement benefit options available to the employee, information on social security benefits, information on various local, state, and federal government programs and programs in the private sector designed to assist elderly persons, and information and advice the board deems valuable in assisting public employees in the transition from public employment to retirement.

(4) The board shall work with the Department on Aging, personnel division of the Department of Administrative Services, employee groups, and any other governmental agency, including political subdivisions or bodies whose services or expertise may enhance the development or implementation of the preretirement planning program.

(5) Funding to cover the expense of the preretirement planning program shall be charged back to each retirement fund on a pro rata share based on the number of employees in each plan.

(6) The employer shall provide each eligible employee leave with pay to attend up to two preretirement planning programs if the employee is qualified and registered to attend such programs. For purposes of this subsection, leave with pay shall mean a day off paid by the employer and shall not mean vacation, sick, personal, or compensatory time. ~~Leave with pay shall be provided by the employer to each employee qualified and registered to attend a preretirement planning program.~~ An employee ~~eligible to attend such a program~~ may choose to attend a program more than twice, but such leave shall be at the expense of the employee and shall be at the discretion of the employer. An eligible employee

shall not be entitled to attend more than one preretirement planning program per fiscal year prior to actual election of retirement.

(7) A nominal registration fee shall be charged each person attending a preretirement planning program to cover the costs for meals, meeting rooms, or other expenses incurred under such program.

Sec. 13. That section 84-1511.01, Revised Statutes Supplement, 1992, be amended to read as follows:

84-1511.01. (1) The Public Employees Retirement Board shall~~, within two years after September 6, 1991,~~ establish a comprehensive retirement education and financial planning program for all members of the State Employees Retirement System of the State of Nebraska and after the effective date of this act, for all members of the Retirement System for Nebraska Counties who are under age fifty and not eligible to attend the preretirement planning program established in section 84-1511.

(2) The retirement education and financial planning program shall include discussion on the retirement system, financial planning, and budgeting as well as any other planning information valuable to employees before they reach age fifty.

(3) The employer shall provide each eligible employee leave with pay to attend a retirement education and financial planning program ~~once within four years from September 6, 1991~~ twice prior to age fifty. An employee may choose to attend a program more than ~~once~~ twice, but leave to attend a program shall be at the expense of the employee. An employee may not attend a program more than once per fiscal year.

(4) ~~Any new member of the retirement system shall have the option of attending a retirement education and financial planning program within the first twelve months of his or her membership in the system.~~

~~(5)~~ Funding to cover the expense of the retirement education and financial planning program shall be charged to the State Employees Retirement Fund and the County Employees Retirement Fund proportionately.

~~(6)~~ (5) A nominal registration fee shall be charged each person attending a retirement education and financial planning program to cover the costs for meals or meeting rooms or other expenses incurred for the program.".

2. In the Standing Committee amendment, AM3026, on page 24, line 2, strike "and" and after the fourth comma insert "and 84-1511.01,"; and in line 4 strike the first "and" and after the second comma insert "and 84-1511,".

3. Renumber the remaining sections accordingly.

Mr. Abboud and Mrs. Witek asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Crosby withdrew her amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1306A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1083. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1107. E & R amendment, AM5697, found in the Journal on page 1169, was adopted.

Mr. Beutler offered the following amendment:
AM3836

1. On page 26, line 11, strike "thirty-five" and insert "twenty"; and in line 21 strike "thirty months" and insert "two years".
2. On page 27, line 1, strike "five hundred"; in line 2 strike "thirty-month" and insert "twenty-four-month"; and in line 5, strike both occurrences of "five hundred".

The Beutler amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1183. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1287. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1287A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1243. Mr. Moore withdrew his amendment, AM3612, printed separately from the Journal and referred to on page 1256.

Mr. Moore offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3847.)

The Moore amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1153. E & R amendment, AM5696, found in the Journal on page 1169, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 647. E & R amendment, AM5694, found in the Journal on page 1174, was adopted.

Mrs. McKenzie offered the following amendment:
AM3825

(Amendments to E & R amendments, AM5694)

1. Insert the following new section:

"Sec. 6. There is hereby appropriated (1) $50,183 from the General Fund for FY1994-95 and (2) $43,513 from the General Fund for FY1995-96 to the State Department of Education, for Program 440, to aid in carrying out the provisions of Legislative Bill 647, Ninety-third Legislature, Second Session, 1994.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $25,194 for FY1994-95 or $25,694 for FY1995-96.".

2. Renumber the remaining section accordingly.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Moore moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The McKenzie amendment was adopted with 25 ayes, 9 nays, 7 present and not voting, and 8 excused and not voting.

Mrs. McKenzie offered the following amendment:
AM3850

(Amendments to E & R amendments, AM5694)

1. On page 1, line 8, after "programs" insert "or services".

2. On page 2, line 3, strike "such" and insert "programs or"; in line 9 after "programs" insert "or services"; and in line 17 strike the first "and" and insert "or".

The McKenzie amendment was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

The Chair declared the call raised.

LEGISLATIVE BILL 972. Messrs. Lindsay and Bernard-Stevens renewed their pending amendment, AM3822, found in the Journal on page 1263.

Mr. Vrtiska asked unanimous consent to be excused. No objections. So ordered.

MR. HALL PRESIDING

The Lindsay-Bernard-Stevens amendment lost with 5 ayes, 16 nays, 19 present and not voting, and 9 excused and not voting.

Mr. Lindsay renewed his pending amendment, AM3657, found in the Journal on page 1105.

Pending.

LEGISLATIVE BILL 908. E & R amendment, AM5695, found in the Journal on page 1179, was adopted.

Advanced to E & R for engrossment.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1243A. Introduced by Hall, 7.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1993, LB 541, sections 8 and 229; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1243, Ninety-third Legislature, Second Session, 1994; to reduce appropriations; to state intent; and to repeal the original sections.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 953. Placed on General File.
LEGISLATIVE BILL 958. Placed on General File.

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 137 in the Journal. No objections. So ordered.

AM3832

(Amendments to E & R amendments, AM5500)

1. Strike section 1 and insert the following new section:

"Section 1. That section 25-224, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-224. (1) All product liability actions as defined in section 25-21,180, except one governed by subsection (5) of this section, shall ~~be commenced~~ commence within four years ~~next~~ after the date on which the death, injury, or damage complained of occurs.

(2) Notwithstanding subsection (1) of this section or any other statutory provision to the contrary, any product liability action, except one governed by section 2-725, Uniform Commercial Code or by subsection (5) of this section, shall ~~be commenced~~ commence within ten years after the date when the product which allegedly caused the personal injury, death, or damage was first sold or leased for use or consumption.

The ten-year time limitation in this subsection shall not apply (a) if the manufacturer intentionally misrepresented or concealed any known defect which is a proximate cause of the injury or death or (b) if the product liability action involves the manufacture, construction, design, or assembly of medical implants, prosthetics, appliances, or other devices surgically placed on or within the human body.

(3) The limitations contained in subsection (1), (2), or (5) of this section shall not be applicable to indemnity or contribution actions brought by a manufacturer or seller of a product against a person who is or may be liable to such manufacturer or seller for all or any portion of any judgment rendered against a manufacturer or seller.

(4) Notwithstanding ~~the provisions of~~ subsections (1) and (2) of this section, any cause of action or claim which any person may have on July 22, 1978, may be brought not later than two years following such date.

(5) Any action to recover damages based on injury allegedly resulting from exposure to asbestos composed of chrysotile, amosite, crocidolite, tremolite, anthrophyllite, actinolite, or any combination thereof, shall ~~be commenced~~ commence within four years after the injured person has been informed of discovery of the injury by competent medical authority and that such injury was caused by exposure to such asbestos, ~~as described herein,~~ or within four years after the discovery of facts which would reasonably lead to such discovery, whichever is earlier. No action commenced under this subsection based on the doctrine of strict liability in tort shall be commenced or maintained against any seller of a product which is alleged to contain or possess a defective condition unreasonably dangerous to the buyer, user, or consumer unless such seller is also the manufacturer of such product or the manufacturer of the part thereof claimed to be defective. Nothing in this subsection shall be construed to permit an action to be brought based on an injury described in

this subsection discovered more than two years prior to August 30, 1981.".

Mr. Avery asked unanimous consent to print the following amendment to LB 76 in the Journal. No objections. So ordered.

AM3846

1. On page 21, line 27, after "clerk" insert "and shall not be a member of the same political party as the county clerk".

GENERAL FILE

LEGISLATIVE BILL 408. Title read. Considered.

Standing Committee amendment, AM0612, found in the Journal on page 836, First Session, 1993, was considered.

Mr. Wickersham renewed his pending amendment, AM2803, found in the Journal on page 660, to the Standing Committee amendment.

Mr. Monen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Wickersham amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1088. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 906. Title read. Considered.

Messrs. Pedersen, Lindsay, Fisher, and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Hudkins moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 909. Title read. Considered.

Standing Committee amendment, AM2913, found in the Journal on page 572, was considered.

SPEAKER WITHEM PRESIDING

Mrs. Witek renewed her pending amendment, AM3520, found in the Journal on page 1146, to the Standing Committee amendment.

Pending.

LEGISLATIVE BILL 1049. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1035. Title read. Considered.

Standing Committee amendment, AM2886, found in the Journal on page 575, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1035A. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1048. Title read. Considered.

Standing Committee amendment, AM2962, found in the Journal on page 578, was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1257. Title read. Considered.

Standing Committee amendment, AM2974, found in the Journal on page 598, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 994. Title read. Considered.

Standing Committee amendment, AM2978, printed separately from the Journal and referred to on page 604, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 882. Title read. Considered.

Standing Committee amendment, AM2802, found in the Journal on page 604, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 915. Title read. Considered.

Standing Committee amendment, AM2984, found in the Journal on page 608, was considered.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment lost with 3 ayes, 15 nays, 26 present and not voting, and 5 excused and not voting.

Mr. Schellpeper renewed his pending amendment, AM3665, found in the Journal on page 1115.

The Schellpeper amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Landis renewed his pending amendment, AM3446, found in the Journal on page 1043.

The Landis amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1031. Title read. Considered.

Mr. Matzke offered the following amendment:
AM2945

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

The Matzke amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1087. Title read. Considered.

Mr. Hartnett asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1165. Title read. Considered.

Mrs. Hudkins asked unanimous consent to be excused. No objections. So ordered.

Standing Committee amendment, AM2988, found in the Journal on page 638, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Beutler renewed his pending amendment, AM3423, found in the Journal on page 932.

Mrs. Rasmussen and Ms. Day asked unanimous consent to be excused until they return. No objections. So ordered.

The Beutler amendment was adopted with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Messrs. Dierks and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 1236. Title read. Considered.

Standing Committee amendment, AM3083, found in the Journal on page 681, was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1313. Title read. Considered.

Mrs. Bohlke moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Advanced to E & R for review with 25 ayes, 2 nays, 9 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 1313A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 1 nay, 9 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 241, 570, 663, 681, 695, 819, and 987.

Enrollment and Review Change to LB 570

The following changes, required to be reported for publication in the Journal, have been made:
(ER7432 may be found in the Bill Books. Amendment on file in the Clerk's Office - Room 2018.)

Enrollment and Review Change to LB 695

The following changes, required to be reported for publication in the Journal, have been made:
ER7436

1. In the Bernard-Stevens amendments, AM3705:

a. On page 1, line 12; and page 2, line 8, "University of Nebraska" has been inserted after "the";

b. On page 1, line 14; and page 2, line 9, the second comma has been struck; and

c. On page 3, line 5, "program" has been struck and "programs" inserted.

2. On page 1, the matter beginning with "cities" in line 1 through line 4 and all amendments thereto has been struck and "governmental property; to amend sections 16-207 and 17-555, Reissue Revised Statutes of Nebraska, 1943; to state intent; to establish the Nebraska Tree Recovery Program; to provide for a grant process as prescribed; to change provisions relating to regulation of streets and sidewalks; to provide procedure for the removal of dead or diseased trees; and to repeal the original sections." inserted.

3. On page 2, line 15, the underscored comma has been struck.

Enrollment and Review Change to LB 819

The following changes, required to be reported for publication in the Journal, have been made:
ER7433

1. In the E & R amendment, AM5639:

a. On page 2, line 11, and page 5, line 8, "and Prevention" has been inserted after "Control"; and

b. On page 6, line 18, "or section 5 of this act or sections 7 to 11 of this act" has been inserted after "71-513".

Enrollment and Review Change to LB 987

The following changes, required to be reported for publication in the Journal, have been made:
ER7431

1. On page 1, the matter beginning with "the" in line 1 through line 4 has been struck and "postsecondary education; to amend sections 71-1,135.02, 71-1,135.03, 71-1,136, and 85-984, Reissue Revised Statutes of Nebraska, 1943, and sections 85-9,122 and 85-9,145, Revised Statutes Supplement, 1992; to change provisions relating to accrediting organizations; to harmonize provisions; and to repeal the original sections." inserted.

2. In the Withem-Bohlke amendment, AM2996, on page 6, line 9, "recognized" has been inserted after "organization".

(Signed) Janis M. McKenzie, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1223A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1223, Ninety-third Legislature, Second Session, 1994.

LEGISLATIVE BILL 974A. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 974 Ninety-third Legislature, Second Session, 1994.

UNANIMOUS CONSENT - Print in Journal

Mrs. Bohlke asked unanimous consent to print the following amendment to LB 991 in the Journal. No objections. So ordered.

AM3823

1. On page 36, line 5, strike "409,944,812" and insert "417,944,812"; in line 10 strike "411,188,884" and insert "419,188,884"; and in line 15 strike "$405,610,202", show as stricken, and insert "$413,610,202".

2. On page 37, line 22, strike "$6,895,000", show as stricken, and insert "$14,895,000"; and in line 24 after the period insert "The continuation level of funding for the Help Education Lead to Prosperity Act for FY1995-96 and beyond shall be $6,895,000 General Funds annually.".

Messrs. Avery and Fisher asked unanimous consent to print the following amendment to LB 76 in the Journal. No objections. So ordered.

AM3852

1. Insert the following new section:

"Sec. 34. The election commissioner and chief deputy election commissioner, once appointed, qualified, bonded, and sworn into office, and the county clerk acting as the election officer, shall not hold a political party office, endorse any candidate, or be a member or officer of a candidate committee for any candidate seeking public office. This section shall not prohibit a county clerk acting as the election officer from participating in his or her own reelection campaign or fundraisers.".

2. On page 14, line 16; page 15, lines 3 and 15; page 16, line 16; and page 17, line 5, strike "fifty" and insert "one hundred".

3. On page 18, line 22, after the period insert "The election commissioner shall be accountable and responsible to the Governor and the Secretary of State for the performance of his or her duties as set forth in the Election Act.".

4. On page 19, line 5, after the period insert "The citizens of the county may petition the Governor or the county board or the Secretary of State as to the competency, integrity, and conduct of the election commissioner or the chief deputy election commissioner and their enforcement of the Election Act. If the Governor or county board fails to remove the commissioner or the chief deputy election commissioner when either or both are subject to removal under this section, any citizen of the county may institute an action in mandamus to order the Governor or county board to remove the election commissioner, chief deputy election commissioner, or both.".

5. On page 20, line 24, strike ", the" and insert "shall be an officer of the county. The".

6. On page 20, line 26, after the period insert "All employees of the office of the election commissioner, except the election commissioner and the chief deputy election commissioner, shall be governed by and comply with the duly established county personnel policies and procedures adopted by the county board or established pursuant to Chapter 23, article 25, unless such policies and procedures conflict with the duties and responsibilities set forth in the Election Act.".

7. Renumber the remaining sections and correct internal references accordingly.

STANDING COMMITTEE REPORT
Judiciary

The Committee on Judiciary desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Manuel S. Gallardo - Parole Board

VOTE: Aye: Senators Lindsay, Abboud, Chambers, Fisher, Hall, Hudkins, Pedersen, and Robak. Nay: None. Absent: None.

(Signed) John Lindsay, Chairperson

VISITORS

Visitors to the Chamber were 40 seventh grade students and teacher from Sandy Creek School, Fairfield; six kindergarten through sixth

grade students and teacher from District 158 School, Hallam; 41 fourth grade students and sponsor from Johnson Broch Public School, Broch; 45 fourth grade students and teacher from Dakota City Elementary; nine women from the Dorchester American Legion Auxiliary; 20 fourth grade students and teachers from Chester Hubbell Byron Public School; and 30 fourth grade students and teachers from Omaha Christian Academy.

ADJOURNMENT

At 3:07 p.m., on a motion by Mr. Lynch, the Legislature adjourned until 9:00 a.m., Tuesday, March 22, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-FOURTH DAY - MARCH 22, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 22, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Tim Anderson, St. Stephans Episcopal Church, Grand Island, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Warner who was excused; and Messrs. Abboud, Ashford, Avery, Coordsen, Dierks, Kristensen, Lindsay, Lynch, Monen, Schmitt, Will, Mmes. Hudkins, Pirsch, and Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-third day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1188. Placed on Select File.

LEGISLATIVE BILL 981. Placed on Select File as amended.
E & R amendment to LB 981:
AM5711

1. In the Standing Committee amendments, AM4039:
a. Insert the following new section:
"Sec. 21. That section 46-1240.06, Revised Statutes Supplement, 1993, be amended to read as follows:
46-1240.06. (1) The department may grant a variance from any rule, regulation, or standard adopted and promulgated

by the department relating to the construction of water wells upon proof by a licensed water well contractor or owner of a proposed water well satisfactory to the department that the enforcement of the rule, regulation, or standard would create an unreasonable hardship or be unreasonable, impractical, or not feasible under the circumstances. A variance may be under such terms and conditions and for such time as the department may prescribe. The terms and conditions of a variance may include testing, monitoring, reporting, and additional construction or installation requirements.

(2) A variance shall be limited to the construction of a water well to replace an existing water well.

(3) Any person who owns or operates a water well in violation of the terms and conditions of a variance may be enjoined from continuing such activities. The injunction may include an order to properly ~~abandon~~ decommission the water well.";

b. On page 2, line 12, strike "this" and insert "the"; in line 22 strike the first comma and insert "and"; in line 23 strike "devises," and insert "or devises"; and in line 26 strike "purposes" and insert "purpose";

c. On page 3, line 1, strike the second "the"; and in line 9 strike "purposes" and insert "purpose";

d. On page 13, line 5, strike the third "by"; and in line 6 strike "by";

e. On page 19, line 10, strike "and 46-1240" and insert "46-1240, and 46-1240.06"; and

f. Renumber the remaining sections accordingly.

2. On page 1, strike beginning with "2-1589" in line 1 through line 12 and insert "46-1202 and 46-1234, Reissue Revised Statutes of Nebraska, 1943, and sections 46-602, 46-606, 46-659, 46-1201, 46-1203, 46-1224, 46-1227, 46-1240, and 46-1240.06, Revised Statutes Supplement, 1993; to provide for funding for a cost-sharing program for decommissioning illegal water wells as prescribed; to state intent; to create a fund; to change and eliminate provisions relating to registration and abandonment of water wells; to define terms; to change provisions relating to permits, fees, and rules and regulations; to harmonize provisions; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 1071. Placed on Select File.
LEGISLATIVE BILL 1071A. Placed on Select File.

LEGISLATIVE BILL 1068. Placed on Select File as amended.
E & R amendment to LB 1068:
AM5704

1. On page 1, line 5, strike "and" and after "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 1310. Placed on Select File as amended.
E & R amendment to LB 1310:
AM5709

1. On page 1, line 4, before "and" insert "79-1308.01,"; in lines 5 and 6 strike "and 79-4,207" and insert "79-4,207, and 79-1281.01"; and in line 14 after the first semicolon insert "to provide powers for the Professional Practices Commission; to change provisions relating to evidence of investment securities as prescribed;".

2. On page 11, line 15, strike the underscored comma.

LEGISLATIVE BILL 900. Placed on Select File as amended.
(E & R amendment, AM5707, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 900A. Placed on Select File.

LEGISLATIVE BILL 974. Placed on Select File as amended.
E & R amendment to LB 974:
AM5708

1. In the Standing Committee amendments, AM3207, on page 1, line 8, strike the comma.

2. On page 1, line 1, strike "section 9-306" and insert "sections 9-306 and 9-402"; in line 5 strike "and" and insert "to change a provision relating to a financing statement;"; and in line 6 strike "section" and insert "sections; and to declare an emergency".

LEGISLATIVE BILL 1292. Placed on Select File as amended.
E & R amendment to LB 1292:
AM5705

1. On page 1, strike beginning with "liquor" in line 1 through line 4 and insert "alcoholic liquor; to amend section 53-194.03, Reissue Revised Statutes of Nebraska, 1943, and section 53-101, Revised Statutes Supplement, 1993; to require purchase of alcoholic liquor from certain suppliers as prescribed; to change provisions relating to the amount of liquor a person may import for personal use; to harmonize provisions; and to repeal the original sections.".

LEGISLATIVE BILL 1161. Placed on Select File as amended.
E & R amendment to LB 1161:
AM5706

1. On page 1, line 1, after the second semicolon insert "and"; and in line 2 after "adoption" insert "and review".

LEGISLATIVE BILL 1244. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 286, 358, 884, 913, and 979.

Enrollment and Review Change to LB 286

The following changes, required to be reported for publication in the Journal, have been made:
ER7437

1. In the Coordsen amendment, AM3701, on page 6, line 6, "this" has been inserted after the comma and "(18)(a)" has been struck; and in lines 6 and 7 "of this section" has been struck and shown as stricken.

2. In the E & R amendment, AM5648, on page 1, line 3, the first "and" has been struck; in line 4 ", and section 48-602, Revised Statutes Supplement, 1993; to define terms; to change conditions disqualifying an individual from benefits as prescribed" has been inserted after "1992"; and in line 6 "eliminate a provision on" has been struck and "change provisions relating to" inserted.

3. In the Hall amendment, AM2794:

a. On page 13, line 24, the last period has been struck; and

b. On page 23, line 23, the first "and" has been struck; and in line 24 "and section 48-602, Revised Statutes Supplement, 1993," has been inserted after the last comma.

Enrollment and Review Change to LB 358

The following changes, required to be reported for publication in the Journal, have been made:
ER7435

1. In AM2815, on page 1, line 7, "licensee" has been struck and "respondent" inserted; and in line 11 "the second" has been inserted after "after".

2. On page 1, line 2, "to provide for service of notices and orders;" has been inserted after the last semicolon.

Enrollment and Review Change to LB 884

The following changes, required to be reported for publication in the Journal, have been made:
ER7438

1. In the E & R amendment, AM5674, on page 1, line 16, "47" has been struck and "50" inserted.

2. On page 1, line 9, "21-2610," has been inserted after the first comma, "21-2614," has been inserted after the third comma, and

"21-2621," has been inserted after the last comma; in line 13 "54-2001," has been inserted after the second comma; and in line 15 "77-2730," has been inserted after the third comma.

3. On page 2, line 3, "to provide for applicability to attorneys at law;" has been inserted after the second semicolon; in line 4 "and a tax credit" has been inserted after "tax"; and in line 5 "to correct internal references changed by Laws 1993, LB 121, section 347;" has been inserted after the first semicolon.

4. On page 90, line 26, "or" has been inserted after the second comma.

5. On page 134, line 3, "43 to 49" has been struck and "46 to 52" inserted; and in line 8 "47" has been struck and "50" inserted.

Enrollment and Review Change to LB 979

The following changes, required to be reported for publication in the Journal, have been made:
ER7434

1. Because of the amendment of section 45-101.04 by Laws 1993, LB 121, section 263, and by Laws 1993, LB 216, section 11, in the Landis amendment, AM3611:

a. Section 7 has been struck and the following new section inserted:

"Sec. 7. That section 45-101.04, Revised Statutes Supplement, 1993, be amended to read as follows:

45-101.04. The limitation on the rate of interest provided in section 45-101.03 shall not apply to:

(1) Other rates of interest authorized for loans made by any licensee or permittee operating under a license or permit duly issued by the Department of Banking and Finance pursuant to the Credit Union Act, subsection (4) of section 8-319, or sections 8-401 to 8-417, 8-815 to 8-829, or 45-114 to ~~45-155~~ 45-158;

(2) Loans made to any corporation, partnership, limited liability company, or trust;

(3) The guarantor or surety of any loan to a corporation, partnership, limited liability company, or trust;

(4) Loans made when the aggregate principal amount of the indebtedness is twenty-five thousand dollars or more of the borrower to any one financial institution, licensee, or permittee;

(5) Loans insured, guaranteed, sponsored, or participated in, either in whole or part, by any agency, department, or program of the United States or state government;

(6) Loans or advances of money, repayable on demand, which are made solely upon securities, as defined in subdivision (13) of section 8-1101, pledged as collateral for such repayment and in which such loans or advances are used by the borrower only for the purchase of securities as so defined. It shall be lawful to contract for and receive any rate of interest on such transaction as the parties thereto may expressly agree;

(7) Interest charges made on open credit accounts by a person who sells goods or services on credit when the interest charges do not exceed one and one-third percent per month for any charges which remain unpaid for more than thirty days following rendition of the statement of account;

(8) A minimum charge of ten dollars per loan which may be charged by the lender in lieu of all interest charges;

(9) Loans described in subsection (4) of section 8-319 made by a state or federal savings and loan association at a rate not to exceed nineteen percent per annum;

(10) Loans made primarily for business or agricultural purposes or ~~loans~~ secured by real estate when such loans are made (a) by a licensee, registrant, or permittee operating under a license, registration, or permit duly issued by the Department of Banking and Finance except for licensees operating under sections 45-114 to 45-158, (b) by any bank or savings and loan association chartered by the United States, or (c) by any insurance company organized under the laws of this state and subject to regulation by the Department of Insurance; ~~or~~

(11) Loans secured solely by real estate when such loans are (a) made by licensees operating under sections 45-114 to 45-158 and (b) made to finance or refinance the purchase of the property or construction on or improvements to the property, provided the Department of Banking and Finance has the authority to examine such loans for compliance with sections 45-101.02 and 45-101.03. A licensee making a loan pursuant to this subdivision may obtain an interest in any fixtures attached to such real estate and any insurance proceeds payable in connection with such real estate or the loan; or

(12) Interest charges made on any goods or services sold under an installment contract pursuant to the Nebraska Installment Sales Act. Subject to section 45-338, it shall be lawful to contract for and receive any rate of interest on such contract as the parties may expressly agree to in writing."; and

b. On page 22, line 2, "1992" has been struck and "1993" inserted.

2. In the Landis amendment, AM3611:

a. On page 5, line 21, "effective date of this act" has been struck and "operative date of this section" inserted;

b. On page 14, line 4, strike "45-155" show as stricken, and insert "45-158";

c. On page 16, line 25, "subsection" has been struck and "subdivision" inserted; and

d. On page 20, lines 17 and 18, "sections 45-334 to 45-353" has been struck and "the Nebraska Installment Sales Act" inserted.

3. On page 1, lines 2 through 14 have been struck and "8-147, 8-152, 8-164, 45-137, 45-138, 45-156, 45-334, 45-336, and 45-351, Reissue Revised Statutes of Nebraska, 1943, and sections 8-141, 8-148.04, and 45-101.04, Revised Statutes Supplement, 1993; to provide for deposit coverage by guaranty bond as prescribed; to change provisions relating to the determination of lending limits; to provide powers for banks as prescribed; to change the investment percentage

for banks investing in community development corporations; to eliminate a provision relating to real estate loan limitations; to change provisions relating to bank dividends; to provide exceptions to limitations on interest rates; to provide requirements for loans secured solely by real estate; to require the return and cancellation of copies of loan and installment sales documents; to provide requirements for such copies; to provide for inspections, investigation, and examinations of businesses, records, and accounts of sales finance companies; to provide for extensions and deferments under a retail installment contract and fees for such extensions and deferments as prescribed; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Janis M. McKenzie, Chairperson

ATTORNEY GENERAL'S OPINIONS

Opinion No. 94016

DATE: March 16, 1994

SUBJECT: Constitutionality of AM3115 to LB 1207: Special Legislation

REQUESTED BY: Senator Stan Schellpeper
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Linda L. Willard, Assistant Attorney General

You have inquired whether AM3115 to LB 1207 is unconstitutional as being special legislation. Article III, § 18, of the Constitution of the State of Nebraska prohibits the Legislature from passing local or special legislation in any of several enumerated areas.

AM3115 states:

> Any sanitary and improvement district which is located in whole or in part within a county having a population of under fifty thousand inhabitants and which district includes real property located within one mile of the boundary of a solid waste disposal site for which a permit application is pending or for which a permit has been issued pursuant to section 13-2036 shall obtain the approval of the governing body of any county, municipality, or agency which has applied for or which is a holder of such permit prior to entering into any contract or agreement for or otherwise providing for building, reconstructing, purchasing, or otherwise acquiring or providing any improvements or facilities pursuant to section 31-708, 31-727, or 31-744, and prior to the acquisition of any property pursuant to section 31-712, 31-714, 31-736, 31-737, or 31-738.

For purposes of this section, county, municipality, and agency shall have the definitions provided in the Integrated Solid Waste Management Act.

In Haman v. Marsh, 237 Neb. 699, 709, 467 N.W.2d 836 (1991), the Nebraska Supreme Court held:

> By definition, a legislative act is general, and not special, if it operates alike on all persons of a class or on persons who are brought within the relations and circumstances provided for and if the classification so adopted by the Legislature has a basis in reason and is not purely arbitrary. . . . A legislative act that applies only to particular individuals or things of a class is special legislation.

The Haman decision further cites to Madison Metropolitan Sewerage District v. Stein, 47 Wis.2d 349, 177 N.W.2d 131, 137 (1970), as authority for its analysis. The Madison Metropolitan case states:

> It is not required that all general laws shall be equally general. A law legislating for a class is a general law when it is for a class "requiring legislation peculiar to itself in the matter covered by the law." A law relating to particular persons or things as a class is said to be general; while a law relating to particular persons or things of a class is deemed special and private. Whether such laws are to be deemed general laws or special laws depends very much upon whether the classification is appropriate.

According to legislative testimony, the amendment in question currently applies to only one Sanitary and Improvement District (SID) in the state. There is nothing to indicate that the class to which this legislation applies is a closed class. Specifically, it relates to a class of SIDs. Although the legislation refers to sites "for which a permit application is pending or for which a permit has been issued," the legislation does not limit the class to those sites with permits or pending permits as of a specific date. Such a date specific classification might arguably create a special class for the only existing SID eligible for the class. All SIDs meeting the requirements now or later could become a part of the class. Neither does the legislation relate to particular persons or things of a class of SIDs which would make it special legislation as set out in the cases cited above. It applies equally to all SIDs similarly situated now or in the future.

It is our conclusion that AM3115 to LB 1207 is not special legislation as that term is used in the State Constitution and as it has been defined by the Nebraska Supreme Court.

Sincerely,
DON STENBERG
Attorney General
(Signed) Linda L. Willard
Assistant Attorney General

28-12-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

OPINION No. 94017

DATE: March 18, 1994

SUBJECT: Constitutionality of LB 1125; Can the Legislature prohibit public power districts and other similar entities from charging lot rental fees?

REQUESTED BY: Senator Jim D. Cudaback
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

You are apparently considering a motion to pull LB 1125 from committee for consideration by the entire Legislature, but before doing so, you have requested our opinion as to two questions concerning the bill. First, you wish to know if LB 1125 can "be considered constitutional?" Second, you wish to know "under which section or provision, are the bodies named in the bill given the authority to levy, increase or request lot fees from homeowners?"

LB 1125 deals with the authority of public power districts, public irrigation districts and public power and irrigation districts to charge lot fees or rental fees to lake associations or private individuals who lease property owned by the districts from the districts. The bill provides, in its entirety:

> A public power district, public irrigation district, or public power and irrigation district which leases property to lake associations or individuals shall not require lot fees as part of a lease agreement unless the lot fees only apply to lots which have been transferred to a new owner on or after the effective date of this act. A district shall not terminate a lease in order to evade the provisions of this section.

From discussions with your staff, we understand that the "lot fees" referenced in LB 1125 are rental fees to be charged to associations and individuals who rent land around lakes owned by the districts in question. We also understand that, in many instances, such rental fees have not been charged in the past, and that lessees of land around such lakes have be able to lease lake-front property in exchange for maintaining the property or providing similar services.

I. CONSTITUTIONALITY OF LB 1125

You initially requested our opinion as to whether "if enacted will LB 1125 be considered constitutional?" As we have indicated frequently in the past, a question on the general constitutionality of a pending bill will necessarily result in a general response from this office since we obviously cannot address specific questions about a bill unless they are set out in the opinion request. Op. Att'y Gen. No. 89028 (April 5, 1989); Op. Att'y Gen. No. 85157 (December 20, 1985). However, in this instance we discussed your original opinion

request with members of your staff, and we were subsequently provided with various materials which raised several potential constitutional questions concerning LB 1125. We understand that those materials form the basis for your concerns about the bill, and we will discuss each of those concerns in turn. For the reasons set out below, we believe that the bill is constitutional.

A. Article I, Section 16 of the Nebraska Constitution prohibiting an irrevocable grant of special privileges or immunities.

The first question concerning LB 1125 involves Article I, Section 16 of the Nebraska Constitution which prohibits the passage of any "bill of attainder, ex post facto law, or law impairing the obligation of contracts, or making any irrevocable grant of special privileges or immunities." (emphasis added). The concern here is that LB 1125 creates a special privilege in favor of individuals or lake associations which currently lease property from power districts in that those persons cannot be charged lot or rental fees to lease property, while persons who lease property from other entities can be required to pay such fees. Alternatively, there is concern that the provisions of LB 1125 create a special privilege in favor of existing lessees of lake-front property in that those lessees cannot be required to pay a rental fee while new lessees can have such fees imposed. In both cases, the argument presumably is that LB 1125 would create special privileges or immunities for existing lessees of lake front property owned by public power districts or similar entities.

There is not a great deal of recent Nebraska case law which interprets the requirements of Article I, Section 16. However, Article III, Section 18 of the Nebraska Constitution also prohibits the passage of special laws which would grant special privileges or immunities in Nebraska, and the two sections of the constitution are often considered together. For example, in Wittler v. Baumgartner, 180 Neb. 446, 144 N.W.2d 62 (1966), the court held that a grid system for electing directors of public power districts which was imposed on all Nebraska electors but the electors of two Nebraska counties violated Article III, Section 18 and Article I, Section 16 of the Nebraska Constitution. In that case, the court described the test for constitutionality of legislation under those constitutional provisions as follows:

> It is also fundamental that, although it is competent for the Legislature to classify for purposes of legislation, the classification, to be valid, must rest on some reason of public policy, some substantial difference of situation or circumstance, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified.

Id at 456, 144 N.W.2d at 70. See Haman v. Marsh, 237 Neb. 699, 467 N.W.2d 836 (1991).

On the basis of the Wittler test noted above, we cannot say that there is no substantial difference of situation or circumstance involved in the classifications contained in LB 1125. In the first instance, lessees of public utilities, and particularly those of longstanding status, may well be so different from lessees of other public and private

entities as to justify disparate treatment. Moreover, the bill would not prohibit all forms of rental payments by such lessees in that the power districts in question could still maintain the present practice of leasing the property in exchange for maintenance of the premises by the lessee. In the second instance, lessees of longstanding status may well be so different from new lessees as to justify disparate treatment. Indeed, the latter situation is not unlike the grandfathering provisions which are often inserted in new licensing procedures. Consequently, we do not believe that LB 1125 would create special privileges or immunities in contravention of Article I, Section 16 of the Nebraska Constitution.

B. Article XIII, Section 3 of the Nebraska Constitution which prohibits lending the credit of the state in aid of any individual, association or corporation.

The argument in this instance is that LB 1125 requires public power districts to donate the fair rental value of the property involved to the private individuals or associations who leased the property prior to the effective date of the act. This, in turn, would allegedly give a benefit to those individuals or associations, and result in giving money or donating property in aid of those private individuals or associations in violation of Article XIII, Section 3 of the Nebraska Constitution.

At the outset, it should be noted that the provisions of LB 1125 do not require power and irrigation districts to donate the fair value of the rental for the property involved; the bill simply provides that the districts may not charge lot fees for the rentals in question. Consequently, power and irrigation districts may continue to recover their rental fees through agreements with the lessees to maintain the property or provide similar services, as we understand is the current practice. As a result, it can be argued that LB 1125 does not necessarily involve a situation where private lessees are given public monies or other benefits.

The most recent significant discussion of Article XIII, Section 3 of the Nebraska Constitution occurs in Haman v. Marsh, 237 Neb. 699, 467 N.W.2d 836 (1991). In that case, the court indicated that the purpose of Article XIII, Section 3 is to prevent the state or any of its governmental subdivisions from extending the state's credit to private entities. The court went on to state that,

> The key {to an analysis of a situation under Article XIII, Section 3} is whether the state stands as a creditor through the expenditure of public funds or as a debtor by the extension of the state's credit to private corporations, associations or individuals. The state is not empowered to become a surety or guarantor of another's debts.

Id. at 722, 467 N.W.2d at 852. It does not appear to us that prohibiting public power and irrigation districts from charging lot rental fees to lessees of lands around lakes and other property of the districts makes those districts either sureties or guarantors of another's debts.

The Haman case does indicate that the principle of law that public funds cannot be used for private purposes also emanates from Article XIII, Section 3, and it could argued that the prohibition on lot rental fees in LB 1125 involves such an impermissible use of public funds.

However, it is for the Legislature to determine in the first instance what is and what is not a public purpose. State ex rel. Douglas v. Thone, 204 Neb. 836, 286 N.W.2d 249 (1979); Chase v. County of Douglas, 195 Neb. 838, 241 N.W.2d 334 (1976). That determination is not conclusive on the courts, but a lack of public purpose justifying a declaration that a particular statute is invalid must be so clear and palpable as to be immediately perceptible to a reasonable mind. Id. We do not believe that the provisions in LB 1125 forbidding lot rental fees involve such a clear lack of public purpose as to create a violation of Article XIII, Section 3.

C. Fourteenth Amendment to the United States Constitution which provides that no state shall make any law which denies any person within its jurisdiction the equal protection of the laws.

The final constitutional problem with LB 1125 alleged in the materials which you provided to us involves the equal protection guarantee contained in the Fourteenth Amendment to the United States Constitution. Presumably, the argument in this case is that power and irrigation districts which are prohibited from charging lot rental fees under LB 1125 are denied equal protection under the law since other entities which rent such property may charge appropriate rentals. This argument may be dealt with rather summarily.

In Triplett v. Tiemann, 302 F. Supp. 1239 (D. Neb. 1969), the United States District Court for the District of Nebraska stated:

> The plaintiff school districts are legally not subject to injury under the Equal Protection Clause. The Equal Protection Clause of the Fourteenth Amendment has no application to the acts of a State against its own political subdivisions.

Id. at 1242 (emphasis added). See Ayers v. Allain, 674 F. Supp. 1523 (D. Miss. 1987); County Department of Public Welfare of Lake County v. Stanton, 545 F. Supp. 239 (D. Ind. 1982). Obviously, if the Equal Protection Clause has no application to the acts of a State against its own political subdivisions, then the Equal Protection Clause has no application in the present instance where, under LB 1125, the state would deny power and irrigation districts the right to charge certain forms of rent. Those districts, therefore, cannot maintain that they will be denied equal protection by the State under LB 1125.

D. Article I, Section 16 of the Nebraska Constitution which prohibits the impairment of the obligation of contracts.

Our final concern with the provisions of LB 1125, which again involves portions of Article I, Section 16 of the Nebraska Constitution, was not raised in the materials which you provided to us. Article I, Section 16 prohibits the passage of any "law impairing the obligation of contracts" in Nebraska, and is similar to the provision in Article I, Section 10 of the United States Constitution which prohibits states from passing such laws. It is our understanding from discussions with your staff that some power districts in Nebraska currently have leases in place which provide for the payment of lot rental fees in connection with leases of property held by the districts. If LB 1125 is construed to affect the rights of those power districts to charge rental fees under

existing leases, then an obvious question is raised as to whether the contract rights of those districts have been impaired by the bill. After reviewing this situation, however, we do not believe that LB 1125 violates Article 1, Section 16 in that regard.

It is clear under the pertinent state and federal constitutional provisions that the state may not pass legislation which impairs the obligations or rights contained in existing contracts. However, the obligations or rights which would be impaired by LB 1125 are contractual obligations or rights in favor of the power and irrigation districts affected by that bill, i.e. the contractual rights under any existing leases to receive rental or lot fees. Therefore, the contractual rights which arguably might be impaired by LB 1125 are the rights of governmental subdivisions of this state.

The general rule with respect to the impairment of the contractual obligations and rights of governmental subdivisions appears to be that neither the charter of the governmental subdivision nor any legislative act conferring power on or regulating the use of property held by the subdivision is a contract within the meaning of the constitutional provisions concerning impairment of contracts. Hunter v. City of Pittsburgh, 207 U.S. 161 (1907); E. McQuillin, The Law of Municipal Corporations, § 4.18 (Charles R.P. Keating & Stephen M. Flanagan eds., 3rd ed. 1988). Consequently, the governmental powers of governmental subdivisions may be changed or withdrawn at will without impairing the obligation of contracts. Id. There are some earlier cases which draw a distinction between governmental functions of governmental subdivisions and functions of those entities which are proprietary in nature. Hunter v. City of Pittsburgh, supra; Comment Note, Right of municipality to invoke constitutional provisions against acts of state legislature, 116 A.L.R. 1037 (1938); E.B. Schultz, The Effect of the Contract Clause and the Fourteenth Amendment Upon the Power of the States to Control Municipal Corporations, 36 Mich. L. Rev. 385 (1938). And, under those cases it might be possible to argue that the rights of the power districts at issue under LB 1125 are proprietary in nature and thus protected from impairment by the state. However, in City of Trenton v. State of New Jersey, 262 U.S. 182 (1923), the United States Supreme Court denied the existence of the governmental/proprietary distinction, at least with respect to the Contracts Clause in the federal constitution, and stated:

> But such distinction {between governmental and proprietary powers and obligations} furnishes no ground for the application of constitutional restraints here sought to be invoked by the city of Trenton against the state of New Jersey. They do not apply as against the state in favor of its own municipalities.

Id. at 192. Therefore, it does not appear to us that the provisions of LB 1125 would involve a violation of the Contracts Clause of the United States Constitution since any contractual rights impaired by that bill would involve the rights of power and irrigation districts which are governmental subdivisions in Nebraska.

There are no Nebraska cases which deal precisely with the issue of whether the state constitutional prohibition upon the impairment of contracts applies to impairments involving the proprietary functions of governmental subdivisions. However, in City of Fremont v. Dodge County, 130 Neb. 856, 266 N.W. 771 (1936), a case dealing with retrospective legislation, the court cited the City of Trenton case with approval and stated,

> There is no ground here for the application of constitutional restraints by a municipality against the action of the state legislature. They do not apply as against the state in favor of its own municipalities unless there are clear constitutional provisions to that effect.

Id. at 869, 266 N.W. at 776. Accordingly, on the basis of the Dodge County case and the City of Trenton case, we do not believe that LB 1125 involves a violation of Article I, Section 16 of the Nebraska Constitution dealing with impairment of the obligations of contracts by the state.

II. AUTHORITY OF PUBLIC POWER DISTRICTS TO LEVY LOT FEES

Apart from your initial question concerning the constitutionality of LB 1125, you have also asked us, "under which section or provision, are the bodies named in the bill given the authority to levy, increase or request lot fees from homeowners?"

Obviously, there are no portions of LB 1125 which give public power or irrigation districts authority to charge lot fees from homeowners. However, Neb. Rev. Stat. § 70-625 (1990) provides, in pertinent part, "a public power district shall have all the usual powers of a corporation for public purposes and may purchase, hold, sell, and lease personal property and real estate reasonably necessary for the conduct of its business." We believe that this statute gives the public bodies referenced in LB 1125 the authority to charge the fees in question.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

05-12-14.op
cc. Patrick J. O'Donnell
Clerk of the Legislature

REPORTS

Received minutes from the Department of Roads of the Board of Public Roads Classifications and Standards for February 1994.

Received proposed plans from the City of Omaha on the Greater Omaha Service Delivery Area Job Training Partnership Act to become effective July 1, 1994 through June 30, 1996.

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 188 in the Journal. No objections. So ordered.

AM3504

(Amendments to Final Reading copy)

1. Strike section 1 and insert the following new section:

"Section 1. That section 76-2,110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-2,110. ~~When~~ (1) After January 1, 1995, no action shall be maintained to set aside, cancel, annul, or declare void or invalid any conveyance, in any manner purporting to subdivide real estate, which has been recorded in the office of the register of deeds of the county in which the real estate is situated for more than five years prior to the commencement of the action on the ground that the conveyance or the recording of the conveyance has failed to comply with any requirement relating to subdivision approval. Unless the conveyance is modified or set aside by an action or proceeding commenced by January 1, 1995, or five years after the date of recording of the conveyance, whichever is later, it shall be conclusively presumed that the conveyance is fully valid notwithstanding any failure to comply with any requirement relating to subdivision approval.

(2) If any conveyance, in any manner purporting to subdivide real estate, has been or is hereafter recorded in the office of register of deeds of the county ~~wherein such~~ in which the real estate is situated~~,~~ and the conveyance~~,~~ or the recording ~~thereof,~~ of the conveyance has failed to comply with any requirement relating to subdivision approval and if the conveyance has not been otherwise validated under subsection (1) of this section, any party claiming an interest in such conveyance may file an affidavit with the register of deeds asserting that written notice of the defect in approval has been received by the governmental authority having subdivision approval jurisdiction over such real estate. Upon filing such affidavit, such governmental authority shall have one hundred twenty days from the receipt of such written notice to record an objection in the office of register of deeds in the county ~~wherein~~ in which the real estate is situated, or such conveyance shall be fully valid. If an objection is filed, the conveyance shall not be validated. The objection shall be in the form of a resolution adopted after public hearing. The

governmental authority may waive, prospectively waive, or retroactively waive such notice or such one-hundred-twenty-day period, as to a single subdivision or any category of subdivisions.

(3) Notwithstanding the validity of any such conveyance under this section, the subdivider shall not thus be relieved of any penalty lawfully imposed by such governmental authority for the failure to otherwise comply with any requirement relating to subdivision approval. Any conveyance of real estate for the public use shall be valid only upon express approval of such governmental authority. Other than for purposes of validating a conveyance, this section shall not excuse compliance with applicable zoning or subdivision ordinances of the governmental authority having subdivision approval jurisdiction over such real estate.".

GENERAL FILE

LEGISLATIVE BILL 984. The pending Standing Committee amendment, AM3408, printed separately from the Journal and referred to on page 909 and considered on page 1076, was renewed.

Mr. Wehrbein withdrew the Warner amendment, AM3664, found in the Journal on page 1110, to the Standing Committee amendment.

Mr. Wehrbein renewed the Warner pending amendment, AM3821, found in the Journal on page 1262, to the Standing Committee amendment.

The Warner amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Hall withdrew his amendment, AM3693, found in the Journal on page 1125, to the Standing Committee amendment.

Mr. Wehrbein offered the following amendment to the Standing Committee amendment:

AM3889

(Amendments to Standing Committee amendments, AM3408)

1. Strike sections 9 to 11 and all amendments thereto.

2. On page 1, line 11, strike both occurrences of "one" and insert "three-quarters".

3. On page 8, line 4, after "Fund" insert "three million dollars from the General Fund annually and"; and in line 7 after "(a)" insert "otherwise".

4. On page 14, strike line 6 and insert "66-1345, and 66-1347,".

5. Renumber the remaining sections accordingly.

The Wehrbein amendment was adopted with 28 ayes, 1 nay, 14 present and not voting, and 6 excused and not voting.

Mr. Chambers withdrew his amendment, FA427, found in the Journal on page 1120, to the Standing Committee amendment.

Mr. Beutler offered the following amendment to the Standing Committee amendment:

AM3917

(Amendments to Standing Committee amendments, AM3408)

1. Strike FA424.

2. In FA425, on page 1, strike beginning with the semicolon in the line numbered 9 through the last quotation marks in the line numbered 10.

3. In the Standing Committee amendments, AM3408:

a. On page 3, line 18, strike "(1)"; and in lines 22 and 23 strike "two cents" and insert "one-quarter cent"; and

b. On page 4, strike beginning with "and" in line 4 through "section" in line 6; and strike lines 15 through 24.

Mr. Beutler moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Mr. Wehrbein requested the roll call vote be taken in reverse order.

Voting in the affirmative, 16:

Avery	Chambers	Landis	Monen	Schimek
Bernard-Stevens	Hall	Lindsay	Preister	Wesely
Beutler	Hartnett	Lynch	Rasmussen	Withem
	Hillman			

Voting in the negative, 27:

Bohlke	Day	Janssen	Pedersen	Schmitt
Bromm	Dierks	Jones	Pirsch	Vrtiska
Byars	Elmer	Matzke	Robak	Wehrbein
Coordsen	Engel	McKenzie	Robinson	Wickersham
Crosby	Fisher	Moore	Schellpeper	Witek
Cudaback	Haberman			

Excused and not voting, 6:

Abboud	Hudkins	Kristensen	Warner	Will
Ashford				

The Beutler amendment lost with 16 ayes, 27 nays, and 6 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 984 in the Journal. No objections. So ordered.

AM3760

(Amendments to Standing Committee amendments, AM3408)

1. On page 10, line 19, strike "and" and show as stricken; and in line 24 before the period insert "; and

(f) A stipulation which requires the producer to semiannually report to the board the number of construction projects conducted at the ethanol facility, specifically identifying the construction employees who worked on each project and who are resident individuals as defined in section 77-2714.01".

Mrs. Bohlke asked unanimous consent to print the following amendment to LB 1310 in the Journal. No objections. So ordered.

AM3855

1. Strike original section 9.
2. On page 20, line 28, strike "79-1248,".
3. Renumber the remaining sections accordingly.

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 1207 in the Journal. No objections. So ordered.

AM3891

(Amendments to E & R amendments, AM5680)

1. On page 13, line 8, after the last comma insert "voluntary fire department,".

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 901 in the Journal. No objections. So ordered.

AM3892

(Amendments to Standing Committee amendments, AM4019)

1. Insert the following new section:

"Sec. 6. That section 77-2704.15, Revised Statutes Supplement, 1993, be amended to read as follows:

77-2704.15. (1) Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of purchases by the state, including public educational institutions recognized or established under the provisions of Chapter 85, or by any county, township, city, village, voluntary fire department, or rural or suburban fire protection district, except for purchases for use in the business of furnishing gas, water, electricity, or heat, or by any irrigation or reclamation district, the irrigation division of any public power and irrigation district, or public schools established under Chapter 79.

(2) The appointment of purchasing agents shall be recognized for the purpose of altering the status of the construction contractor as the ultimate consumer of property which is physically annexed to the structure and becomes the property of the state or the governmental unit. The appointment of purchasing agents shall be in writing and occur prior to having any property annexed to real estate in the construction, improvement, or repair. The contractor who has been appointed as a purchasing agent may apply for a refund of or use as a credit against a future use tax liability the tax paid on inventory items annexed to real estate in the construction, improvement, or repair of a project for the state or a governmental unit.

(3) Any governmental unit listed in subsection (1) of this section, except the state, which enters into a contract of construction, improvement, or repair upon property annexed to real estate without first issuing a purchasing agent authorization to a contractor or repairperson prior to property being annexed to real estate in the project may apply to the Tax Commissioner for a refund of any sales and use tax paid by the contractor or repairperson on the property physically annexed to real estate in the construction, improvement, or repair.".

2. On page 12, line 17, strike "and 77-2704.09" and insert "77-2704.09, and 77-2704.15".

3. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 346. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact the Uniform Health Care Decisions Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 347. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact the latest version of the Uniform Anatomical Gift Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

PROPOSED RULE CHANGE

Mr. Beutler and Mrs. McKenzie asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Amend Rule 6, Section 6, to read as follows:

Sec. 6. Return to Select File. (1) On a motion to return a bill to Select File for a specific amendment, a majority of the elected members must concur. No other amendment shall be considered when the bill is so returned. Such amendment when considered may be adopted by a majority of the elected members. (2) A point of order to determine the germaneness of a specific amendment may be considered during a motion to return a bill to Select File for specific amendment.

Referred to the Rules Committee.

GENERAL FILE

LEGISLATIVE BILL 1223. Title read. Considered.

Standing Committee amendment, AM3613, printed separately from the Journal and referred to on page 1224, was considered.

MRS. CROSBY PRESIDING

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mrs. Robak, Messrs. Bernard-Stevens, and Moore asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1223A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

MR. HALL PRESIDING

LEGISLATIVE BILL 903. The pending Standing Committee amendment, AM2834, found in the Journal on page 488, was renewed.

Mr. Chambers renewed his pending amendment, FA443, found in the Journal on page 1238, to the Standing Committee amendment, as amended.

SPEAKER WITHEM PRESIDING

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 7:

Ashford	Hall	Pedersen	Will	Withem
Chambers	Lynch			

Voting in the negative, 36:

Abboud	Bohlke	Coordsen	Day	Engel
Avery	Bromm	Crosby	Dierks	Fisher
Beutler	Byars	Cudaback	Elmer	Haberman

Hartnett	Landis	Monen	Robinson	Vrtiska
Hillman	Lindsay	Pirsch	Schellpeper	Wehrbein
Hudkins	Matzke	Preister	Schimek	Wickersham
Janssen	McKenzie	Rasmussen	Schmitt	Witek
Jones				

Excused and not voting, 6:

Bernard-Stevens	Kristensen	Robak	Warner	Wesely
	Moore			

The Chambers amendment lost with 7 ayes, 36 nays, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Lindsay withdrew his amendment, AM2704, found in the Journal on page 331.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA452
Amend AM3514
Page 1, line 12, strike "1995" and insert "1994"; and in
line 13 after "of", strike all language through "of" in line 21.

Mr. Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Chambers amendment was adopted with 26 ayes, 8 nays, 9 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Messrs. Robinson and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler offered the following amendment to the Standing Committee amendment:
AM3931

(Amendments to AM3514)

1. On page 2, strike beginning with "On" in line 1 through "(4)" in line 9.

MR. HALL PRESIDING

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 985. Placed on General File as amended.
Standing Committee amendment to LB 985:
AM3860

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 3, line 19, strike "and" and show as stricken; in line 21 after "benefits" insert "; and

(i) The fund shall not pay for land or easements acquired without the full and express consent of the landowner"; in lines 22 and 23 reinstate "Until the first five-year priorities become effective on July 1, 1995, the"; in line 23 strike "The"; and strike beginning with the period in line 27 through the semicolon in line 28, show as stricken, and insert an underscored semicolon.

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 140A in the Journal. No objections. So ordered.

AM2638

(Amendments to Final Reading copy)

1. On page 1, line 3; and page 2, line 4, strike "First Session, 1993" and insert "Second Session, 1994".

2. On page 2, line 2, strike "FY1993-94" and insert "FY1994-95".

UNANIMOUS CONSENT - Add Cointroducers

Mr. Landis asked unanimous consent to have his name added as cointroducer to LB 915, LB 1292, and LB 446. No objections. So ordered.

Ms. Schimek asked unanimous consent to have her name added to the Lynch-Hudkins amendment, AM3659, to LB 991. No objections. So ordered.

MOTION - Recess

Mr. Landis moved to recess until 1:30 p.m. The motion lost with 12 ayes, 15 nays, and 22 not voting.

GENERAL FILE

LEGISLATIVE BILL 903. The Beutler pending amendment, AM3931, found in this day's Journal, to the Standing Committee amendment, was renewed.

Messrs. Chambers and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Bernard-Stevens	Byars	Fisher	Matzke	Schmitt
Beutler	Cudaback	Janssen	Pirsch	Vrtiska
Bromm	Elmer	Jones	Schimek	Witek
	Engel	Lynch		

Voting in the negative, 20:

Abboud	Crosby	Hartnett	Monen	Wehrbein
Ashford	Day	Hillman	Pedersen	Wickersham
Avery	Dierks	Hudkins	Rasmussen	Will
Bohlke	Hall	Lindsay	Schellpeper	Withem

Present and not voting, 2:

McKenzie Preister

Excused and not voting, 10:

Chambers	Haberman	Landis	Robak	Warner
Coordsen	Kristensen	Moore	Robinson	Wesely

The Beutler amendment lost with 17 ayes, 20 nays, 2 present and not voting, and 10 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 28 ayes, 4 nays, 7 present and not voting, and 10 excused and not voting.

VISITORS

Visitors to the Chamber were Bob, Jill, and Jeff Gorham from Omaha; Justin, Sarah, and Belinda Tolle and Susan and C. J. Reynolds from Litchfield; and 25 eighth grade students and teacher from Logan Middle School, Bellevue.

RECESS

At 12:29 p.m., on a motion by Speaker Withem, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mr. Warner who was excused; and Messrs. Abboud, Beutler, Bromm, Dierks, Haberman, Kristensen, Landis, Lindsay, Robinson, Schmitt, Will, and Mrs. Pirsch who were excused until they arrive.

REPORT

Received annual report from the Nebraska State Patrol Drug Control Cash Fund as required by statute.

SELECT FILE

LEGISLATIVE BILL 991. E & R amendment, AM5703, found in the Journal on page 1219, was adopted.

Mr. Lynch, Mrs. Hudkins, and Ms. Schimek asked unanimous consent to replace their pending amendment, AM3659, found in the Journal on page 1116, with a substitute amendment. No objections. So ordered.

Mr. Lynch, Mrs. Hudkins, and Ms. Schimek withdrew their amendment, AM3659, found in the Journal on page 1116.

Ms. Schimek and Mrs. Hudkins offered the following substitute amendment:
AM3736

1. Insert the following new section:

"Sec. 8. AGENCY NO. 46 -- DEPARTMENT OF CORRECTIONAL SERVICES

Program No. 360 - Operations

	FY1993-94	FY1994-95
GENERAL FUND	-0-	595,382
PROGRAM TOTAL	-0-	595,382

There is included in the appropriation to this program for FY1994-95 $545,382 General Funds to be used for twenty-one additional security positions, which shall only be used for such purpose. There is included in the appropriation to this program for FY1994-95 $50,000 General Funds to be used for security-related equipment purchases, which shall only be used for such purpose.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $432,431 for FY1994-95.".

2. Renumber the remaining sections accordingly.

MRS. CROSBY PRESIDING

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Schimek moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Ms. Schimek requested a roll call vote on the Schimek-Hudkins amendment.

Voting in the affirmative, 14:

Abboud	Bohlke	Cudaback	Hudkins	Pedersen
Ashford	Coordsen	Day	Landis	Schimek
Beutler	Crosby	Dierks	Lynch	

Voting in the negative, 23:

Avery	Fisher	Matzke	Rasmussen	Wickersham
Bernard-Stevens	Haberman	McKenzie	Robinson	Will
Byars	Hall	Monen	Schellpeper	Witek
Engel	Hartnett	Moore	Vrtiska	Withem
	Hillman	Pirsch	Wehrbein	

Present and not voting, 9:

Bromm	Elmer	Jones	Preister	Schmitt
Chambers	Janssen	Lindsay	Robak	

Excused and not voting, 3:

Kristensen	Warner	Wesely

The Schimek-Hudkins amendment lost with 14 ayes, 23 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Chambers renewed his pending amendment, AM3681, found in the Journal on page 1160.

Messrs. Haberman, Schellpeper, Lynch, and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 29:

Abboud	Crosby	Hall	Landis	Wesely
Avery	Cudaback	Hillman	Matzke	Wickersham
Beutler	Dierks	Hudkins	Moore	Will
Bromm	Elmer	Janssen	Pirsch	Witek
Byars	Engel	Jones	Robinson	Withem
Coordsen	Fisher	Kristensen	Wehrbein	

Present and not voting, 14:

Ashford	Bohlke	Lindsay	Preister	Schimek
Bernard-Stevens	Day	Monen	Rasmussen	Schmitt
	Hartnett	Pedersen	Robak	Vrtiska

Excused and not voting, 5:

Haberman	Lynch	McKenzie	Schellpeper	Warner

The Chambers amendment lost with 1 aye, 29 nays, 14 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 1322 in the Journal. No objections. So ordered.

AM3781

1. Insert the following new sections:

"Section 1. That section 19-4601, Revised Statutes Supplement, 1993, be amended to read as follows:

19-4601. Sections 19-4601 to 19-4623 and sections 2 and 3 of this act shall be known and may be cited as the Municipal Natural Gas Regulation Act.

Sec. 2. Any powers granted, duties assigned, or authority delegated to or exercised by a municipality under the Municipal Natural Gas Regulation Act shall extend as provided in this section:

(1) For a city of the primary class, to the area within its corporate boundaries and to the area which it regulates pursuant to section 15-905;

(2) For a city of the first class, to the area within its corporate boundaries and to the area which it regulates pursuant to section 16-901; and

(3) For a second class or village, to the area within its corporate boundaries and to the area which it regulates pursuant to section 17-1001.

Sec. 3. Any municipality that proposes to enter into multiple franchises for natural gas service shall hold a public hearing prior to entering into the second or any subsequent franchise agreement. The municipality shall provide thirty days' public notice of the public hearing.".

2. On page 7, line 7, strike "section" and insert "sections 19-4601 and".

3. Renumber the remaining sections accordingly.

Mrs. Robak asked unanimous consent to print the following amendment to LB 1022 in the Journal. No objections. So ordered.

AM3929

1. On page 2, after line 26, insert:

"(3) In designating environmental priorities, the council shall designate as the first priority cleanup costs for ground water pollution occurring as a result of activities carried on at the site of a licensed landfill in Nebraska owned or operated by a person pursuant to a contract with a political subdivision, whether such activities occurred before or after such person's ownership or operation.".

Mr. Wesely asked unanimous consent to print the following amendment to LB 1045 in the Journal. No objections. So ordered.

AM3938

(Amendments to Standing Committee amendments, AM3472)

1. On page 2, strike beginning with "On" in line 15 through "(8)" in line 18.

Mr. Wesely asked unanimous consent to print the following amendment to LB 991 in the Journal. No objections. So ordered.

AM3937

(Amendments to Standing Committee amendments, AM3400)

1. Strike amendments 45 and 46 and renumber the remaining amendments accordingly.

Mr. Beutler asked unanimous consent to print the following amendment to LB 1224 in the Journal. No objections. So ordered.

AM3909

1. Insert the following new sections:

"Sec. 47. That section 42-372, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

42-372. ~~(1)~~ A decree dissolving a marriage shall become final and operative, except for the purpose of review by appeal, at the time specified in section 48 of this act. ~~without any further action of the court on (a) the date of death of one of the parties to the dissolution or (b) six months after the decree is rendered, whichever occurs first. If the decree becomes final and operative upon the date of death of one of the parties to the dissolution, the decree shall be treated as if it became final and operative the date it was rendered.~~

~~(2) For the purpose of review by appeal, the decree shall be treated as a final order as soon as it is rendered.~~ If an appeal is instituted within thirty days ~~of~~ after the date the decree is rendered, such decree shall not become final until such proceedings are finally determined or the date of death of one of the parties to the dissolution, whichever occurs first. ~~If no such proceedings have been instituted within such thirty day period, the court may, at any time within such six months, vacate or modify its decree.~~

Sec. 48. (1) Except for purposes of appeal as prescribed in section 42-372 and purposes of remarriage as prescribed in subsection (2) of this section, a decree dissolving a marriage shall become final and operative thirty days after the decree is rendered or on the date of death of one of the parties to the dissolution, whichever occurs first. If the decree becomes final and operative upon the date of death of one of the parties to the dissolution, the decree shall be treated as if it became final and operative the date it was rendered.

(2) For purposes of remarriage a decree dissolving a marriage shall become final and operative six months after the decree is rendered or on the date of death of one of the parties to the dissolution, whichever occurs first. If the decree becomes final and operative upon the date of death of one of the parties to the dissolution, the decree shall be treated as if it became final and operative the date it was rendered.

(3) A decree dissolving a marriage rendered prior to the operative date of this section which has not become final and operative shall become operative pursuant to the provisions of section 42-372 as such section existed immediately preceding such date.

Sec. 91. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 95. That original section 42-372, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 82, line 17, after the period insert "Sections 47, 48, 91, and 95 of this act shall become operative on their effective date.".

3. Renumber the remaining sections and correct the internal references accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 348. Introduced by Robak, 22.

WHEREAS, the Humphrey St. Francis boys' basketball team won the 1994 Class D-1 title by defeating Hampton, 68-67; and

WHEREAS, the Flyers were coached by Paul Brungardt and assistant Dean Korus; and

WHEREAS, the Flyers won Class D-1 for the third time in five years; and

WHEREAS, Humphrey St. Francis finished the season with a 22-4 record.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulate the Humphrey St. Francis Flyers and their coaches.

2. That a copy of this resolution be sent to Humphrey St. Francis.

Laid over.

EXPLANATION OF VOTE

Had I been present, I would have voted yes on the advancement of LB 984 and LB 1223, and yes on the adoption of AM2834 to LB 903.

(Signed) Doug Kristensen

NOTICE OF COMMITTEE HEARING
General Affairs

Governor Appointments Wednesday, March 30, 1994 1:15 p.m.
Nebraska Arts Council
Harry Richardson
Nebraska Advisory Commission on Compulsive Gambling
Janet French
Lynn Guilfoyle
Deb Hammond
Barbara Hill
Frank McGill
Tom Schaefer
Vernon Scott
Dr. John Shybut
Dick Stalker
Michael Wellman
Rev. William Williams, Jr.

(Signed) Stan Schellpeper, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1349A. Introduced by Avery, 3.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1349, Ninety-third Legislature, Second Session, 1994; to authorize certain transfers; and to provide an operative date.

SPEAKER WITHEM PRESIDING

SELECT FILE

LEGISLATIVE BILL 991. Mrs. Bohlke and Mr. Monen asked unanimous consent to replace their pending amendment, AM3702, found in the Journal on page 1195, with a substitute amendment. No objections. So ordered.

Mrs. Bohlke and Mr. Monen withdrew their amendment, AM3702, found in the Journal on page 1195.

Mrs. Bohlke renewed her pending substitute amendment, AM3823, found in the Journal on page 1288.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Moore requested a record vote on the Bohlke amendment.

Voting in the affirmative, 31:

Abboud	Elmer	Landis	Pedersen	Schimek
Beutler	Engel	Lindsay	Pirsch	Vrtiska
Bohlke	Fisher	Lynch	Preister	Wehrbein
Crosby	Hudkins	Matzke	Rasmussen	Wickersham
Cudaback	Janssen	McKenzie	Robak	Will
Day	Kristensen	Monen	Robinson	Withem
Dierks				

Voting in the negative, 12:

Ashford	Bernard-Stevens	Byars	Hillman	Schmitt
Avery	Bromm	Coordsen	Jones	Witek
		Hall	Moore	

Present and not voting, 3:

Chambers	Hartnett	Wesely

Excused and not voting, 3:

Haberman	Schellpeper	Warner

The Bohlke amendment was adopted with 31 ayes, 12 nays, 3 present and not voting, and 3 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Moore renewed the Warner pending amendment, AM3704, found in the Journal on page 1225.

The Warner amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Moore renewed his pending amendment, AM3780, found in the Journal on page 1271.

The Moore amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mrs. Bohlke offered the following amendment:
AM3890

1. Insert the following new section:

"Sec. 13. AGENCY NO. 64 -- NEBRASKA STATE PATROL
Program No. 100 - Public Protection

	FY1993-94	FY1994-95
GENERAL FUND	-0-	160,000
PROGRAM TOTAL	-0-	160,000
SALARY LIMIT	-0-	120,000

There is included in the appropriation to this program for FY1994-95 $160,000 General Funds to be used for four additional State Patrol Officers, which shall only be used for such purpose.".

2. Renumber the remaining sections accordingly.

MR. HALL PRESIDING

Mr. Pedersen offered the following amendment to the Bohlke pending amendment:
AM3936

(Amendments to AM 3890)

1. On page 1, strike beginning with the comma in line 10 through "purpose" in line 11 and insert ". It is the intent of the Legislature that such officers assist local jurisdictions in meeting their law enforcement needs and specifically investigate criminal and drug cases and violations of law involving the sale of alcohol to minors".

The Pedersen amendment was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Mr. Schmitt offered the following amendment to the Bohlke pending amendment:
FA453

Amend AM3890

after purpose on line 11, add: "These positions shall not be administrative positions."

The Schmitt amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

The Bohlke amendment, as amended, lost with 9 ayes, 15 nays, 19 present and not voting, and 6 excused and not voting.

Pending.

LEGISLATIVE BILL 1006. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1006A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1211. E & R amendment, AM5700, found in the Journal on page 1220, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1211A. E & R amendment, AM5699, found in the Journal on page 1220, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1194. E & R amendment, AM5702, found in the Journal on page 1220, was adopted.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Print in Journal

Messrs. Bernard-Stevens and Lindsay asked unanimous consent to print the following amendment to LB 972 in the Journal. No objections. So ordered.

AM3942

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 76-214, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-214. (1) Every grantee who has a deed to real estate recorded, which deed was executed after July 21, 1965, shall at the time such deed is presented for recording file with the register of deeds a completed statement as prescribed by the Tax Commissioner. For all deeds executed and recorded after January 1, 1986, the statement shall contain the social security number of the grantee, if living, or the federal employer identification number of the grantee. This statement may require the recitation of any information contained in the deed, the total consideration paid, the amount of the total consideration attributable to factors other than the purchase

of the real estate itself, and other factors which may influence the transaction. This statement shall be signed and filed by the grantee or his or her authorized agent. The statement form shall be designed so that multiple copies are generated. Beginning January 1, 1995, a copy of the statement shall be provided to the county assessor which shall have the blank which would contain the social security number or the federal employer identification number obscured or removed so that this information is not on that copy. If the grantee fails to furnish ~~such~~ the statement, the register of deeds shall not record the deed. The register of deeds shall indicate on the statement the book and page or computer system reference where the deed is recorded and shall immediately forward the statement to the county assessor. The county assessor shall process the statement according to the instructions of the Tax Commissioner and shall, when directed, forward the statement to the Tax Commissioner. Except as provided in subsection (2) of this section, the ~~This~~ statement and the information contained therein shall be confidential and available to tax officials only.

(2) Registered, licensed, and certified real estate appraisers shall have access to statements on file with the county assessor which have been filed on or after January 1, 1995.

Sec. 2. That original section 76-214, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

STANDING COMMITTEE REPORT
Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Rick A. Morehouse - Nebraska Power Review Board
Raymond J. Hajek - Nebraska Power Review Board

VOTE: Aye: Senators Beutler, Bromm, Elmer, Jones, McKenzie, Monen, and Preister. Absent: Senator Bohlke.

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Mr. Hall asked unanimous consent to have his name added as cointroducer to LB 489. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Cointroducer

Mr. Pedersen asked unanimous consent to have his name withdrawn as cointroducer to LB 1139. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Ashford asked unanimous consent to print the following amendment to LB 945 in the Journal. No objections. So ordered.

AM3874

1. Insert the following new sections:

"Sec. 2. That section 77-27,142, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,142. (1) Any incorporated municipality by ordinance of its governing body is hereby authorized to impose a sales and use tax of one-half percent, one percent, or one and one-half percent upon the same transactions within such incorporated municipality on which the State of Nebraska is authorized to impose a tax pursuant to the Nebraska Revenue Act of 1967, as amended from time to time. No sales and use tax shall be imposed pursuant to this section until an election has been held and a majority of the qualified electors have approved such tax pursuant to sections 77-27,142.01 and 77-27,142.02.

(2) A city of the metropolitan class is hereby authorized to increase any city sales and use tax existing on January 1, 1978, imposed pursuant to this section by an amount not to exceed one-half of one percent if the question of such tax increase is submitted to the voters of such city and the voters by a majority vote approve such increase. The question of such increase shall be submitted to the voters at the primary or general election in 1980 if the city council shall submit a certified copy of a resolution to that effect to the election commissioner not later than forty-one days prior to the primary or general election. Notwithstanding the provisions of section 77-27,143, if the increase is approved by the voters at the primary or general election in 1980, the election commissioner shall file a certified copy of the election results with the Tax Commissioner on or before the last day of the month in which the election is held. If the increase is not approved by the voters at the primary or general election in 1980, no tax increased pursuant to this section shall remain in effect after December 31, 1980.

(3) A city of the primary class is hereby authorized to increase any city sales and use tax existing on January 1, 1985, imposed pursuant to this section by an amount not to exceed one-half of one percent if the question of such tax increase is submitted to the voters of such city and the voters by a majority vote approve such increase. The question

of such increase shall be submitted to the voters at the next primary or general election or at a special election if the city council shall submit a certified copy of a resolution proposing the tax increase to the election commissioner within a reasonable time prior to the primary, general, or special election. If the increase is approved by the voters at the primary, general, or special election, the election commissioner shall file a certified copy of the election results with the Tax Commissioner on or before the last day of the month in which the election is held. If the voters of a city of the primary class have not approved such an increase by December 31, 1987, the question of such an increase shall not be submitted thereafter to the voters and there shall be no increase in the city sales and use tax.

(4) A city of the first or second class or village is hereby authorized to increase any city sales and use tax existing on January 1, 1986, imposed pursuant to this section by an amount not to exceed one-half of one percent if the question of such tax increase is submitted to the voters of such city or village and the voters by a majority vote approve such increase. The question of such increase shall be submitted to the voters at any primary or general election or at a special election if the city council or village board shall submit a certified copy of a resolution proposing the tax increase to the election commissioner or county clerk within a reasonable time prior to the primary, general, or special election. If the increase is approved by the voters at the primary, general, or special election, the election commissioner or county clerk shall file a certified copy of the election results with the Tax Commissioner on or before the last day of the month in which the election is held.

(5) A city of the metropolitan class may increase any city sales and use tax existing on the effective date of this act imposed pursuant to this section by an amount not to exceed one-half of one percent if the governing body of the city adopts an ordinance approving such increase. Such increase shall be made without further submission of the question to the voters of such city, and such increase shall be for no more than twelve consecutive months after inception of the increase or until December 31, 1995, whichever occurs first. Notwithstanding any home rule charter provision to the contrary, the proceeds from the tax imposed by this subsection shall be placed in a separate fund for improvements to and renovations of city-owned entertainment, convention, and sports facilities and for renovation or construction of parking improvements associated with such facilities.

Sec. 4. That original section 77-27,142, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 3, line 24, strike "This" and insert

"Sections 1 and 15 of this"; and in line 25 after the period insert "The other sections of this act shall become operative on their effective date.".

3. Renumber the remaining sections accordingly.

Mr. Ashford asked unanimous consent to print the following amendment to LB 1174 in the Journal. No objections. So ordered.

AM3871

1. Insert the following new section:

"Sec. 2. That section 77-27,142, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,142. (1) Any incorporated municipality by ordinance of its governing body is hereby authorized to impose a sales and use tax of one-half percent, one percent, or one and one-half percent upon the same transactions within such incorporated municipality on which the State of Nebraska is authorized to impose a tax pursuant to the Nebraska Revenue Act of 1967, as amended from time to time. No sales and use tax shall be imposed pursuant to this section until an election has been held and a majority of the qualified electors have approved such tax pursuant to sections 77-27,142.01 and 77-27,142.02.

(2) A city of the metropolitan class is hereby authorized to increase any city sales and use tax existing on January 1, 1978, imposed pursuant to this section by an amount not to exceed one-half of one percent if the question of such tax increase is submitted to the voters of such city and the voters by a majority vote approve such increase. The question of such increase shall be submitted to the voters at the primary or general election in 1980 if the city council shall submit a certified copy of a resolution to that effect to the election commissioner not later than forty-one days prior to the primary or general election. Notwithstanding the provisions of section 77-27,143, if the increase is approved by the voters at the primary or general election in 1980, the election commissioner shall file a certified copy of the election results with the Tax Commissioner on or before the last day of the month in which the election is held. If the increase is not approved by the voters at the primary or general election in 1980, no tax increased pursuant to this section shall remain in effect after December 31, 1980.

(3) A city of the primary class is hereby authorized to increase any city sales and use tax existing on January 1, 1985, imposed pursuant to this section by an amount not to exceed one-half of one percent if the question of such tax increase is submitted to the voters of such city and the voters by a majority vote approve such increase. The question of such increase shall be submitted to the voters at the next

primary or general election or at a special election if the city council shall submit a certified copy of a resolution proposing the tax increase to the election commissioner within a reasonable time prior to the primary, general, or special election. If the increase is approved by the voters at the primary, general, or special election, the election commissioner shall file a certified copy of the election results with the Tax Commissioner on or before the last day of the month in which the election is held. If the voters of a city of the primary class have not approved such an increase by December 31, 1987, the question of such an increase shall not be submitted thereafter to the voters and there shall be no increase in the city sales and use tax.

(4) A city of the first or second class or village is hereby authorized to increase any city sales and use tax existing on January 1, 1986, imposed pursuant to this section by an amount not to exceed one-half of one percent if the question of such tax increase is submitted to the voters of such city or village and the voters by a majority vote approve such increase. The question of such increase shall be submitted to the voters at any primary or general election or at a special election if the city council or village board shall submit a certified copy of a resolution proposing the tax increase to the election commissioner or county clerk within a reasonable time prior to the primary, general, or special election. If the increase is approved by the voters at the primary, general, or special election, the election commissioner or county clerk shall file a certified copy of the election results with the Tax Commissioner on or before the last day of the month in which the election is held.

(5) A city of the metropolitan class may increase any city sales and use tax existing on the effective date of this act imposed pursuant to this section by an amount not to exceed one-half of one percent if the governing body of the city adopts an ordinance approving such increase. Such increase shall be made without further submission of the question to the voters of such city, and such increase shall be for no more than twelve consecutive months after inception of the increase or until December 31, 1995, whichever occurs first. Notwithstanding any home rule charter provision to the contrary, the proceeds from the tax imposed by this subsection shall be placed in a separate fund for improvements to and renovations of city-owned entertainment, convention, and sports facilities and for renovation or construction of parking improvements associated with such facilities.".

2. On page 5, line 26, after "original" insert "section 77-27,142, Reissue Revised Statutes of Nebraska, 1943, and"; and in line 27 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Mr. Ashford asked unanimous consent to print the following amendment to LB 37 in the Journal. No objections. So ordered.

AM3873

(Amendments to Standing Committee amendments, AM3281)

1. Insert the following new sections:

"Section 1. That section 77-27,142, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,142. (1) Any incorporated municipality by ordinance of its governing body is hereby authorized to impose a sales and use tax of one-half percent, one percent, or one and one-half percent upon the same transactions within such incorporated municipality on which the State of Nebraska is authorized to impose a tax pursuant to the Nebraska Revenue Act of 1967, as amended from time to time. No sales and use tax shall be imposed pursuant to this section until an election has been held and a majority of the qualified electors have approved such tax pursuant to sections 77-27,142.01 and 77-27,142.02.

(2) A city of the metropolitan class is hereby authorized to increase any city sales and use tax existing on January 1, 1978, imposed pursuant to this section by an amount not to exceed one-half of one percent if the question of such tax increase is submitted to the voters of such city and the voters by a majority vote approve such increase. The question of such increase shall be submitted to the voters at the primary or general election in 1980 if the city council shall submit a certified copy of a resolution to that effect to the election commissioner not later than forty-one days prior to the primary or general election. Notwithstanding the provisions of section 77-27,143, if the increase is approved by the voters at the primary or general election in 1980, the election commissioner shall file a certified copy of the election results with the Tax Commissioner on or before the last day of the month in which the election is held. If the increase is not approved by the voters at the primary or general election in 1980, no tax increased pursuant to this section shall remain in effect after December 31, 1980.

(3) A city of the primary class is hereby authorized to increase any city sales and use tax existing on January 1, 1985, imposed pursuant to this section by an amount not to exceed one-half of one percent if the question of such tax increase is submitted to the voters of such city and the voters by a majority vote approve such increase. The question of such increase shall be submitted to the voters at the next primary or general election or at a special election if the city council shall submit a certified copy of a resolution proposing the tax increase to the election commissioner within

a reasonable time prior to the primary, general, or special election. If the increase is approved by the voters at the primary, general, or special election, the election commissioner shall file a certified copy of the election results with the Tax Commissioner on or before the last day of the month in which the election is held. If the voters of a city of the primary class have not approved such an increase by December 31, 1987, the question of such an increase shall not be submitted thereafter to the voters and there shall be no increase in the city sales and use tax.

(4) A city of the first or second class or village is hereby authorized to increase any city sales and use tax existing on January 1, 1986, imposed pursuant to this section by an amount not to exceed one-half of one percent if the question of such tax increase is submitted to the voters of such city or village and the voters by a majority vote approve such increase. The question of such increase shall be submitted to the voters at any primary or general election or at a special election if the city council or village board shall submit a certified copy of a resolution proposing the tax increase to the election commissioner or county clerk within a reasonable time prior to the primary, general, or special election. If the increase is approved by the voters at the primary, general, or special election, the election commissioner or county clerk shall file a certified copy of the election results with the Tax Commissioner on or before the last day of the month in which the election is held.

(5) A city of the metropolitan class may increase any city sales and use tax existing on the effective date of this act imposed pursuant to this section by an amount not to exceed one-half of one percent if the governing body of the city adopts an ordinance approving such increase. Such increase shall be made without further submission of the question to the voters of such city, and such increase shall be for no more than twelve consecutive months after inception of the increase or until December 31, 1995, whichever occurs first. Notwithstanding any home rule charter provision to the contrary, the proceeds from the tax imposed by this subsection shall be placed in a separate fund for improvements to and renovations of city-owned entertainment, convention, and sports facilities and for renovation or construction of parking improvements associated with such facilities.

Sec. 3. That original section 77-27,142, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 1, line 3, strike "This" and insert "Section 2 of this"; and in line 4 after the period insert "The other sections of this act shall become operative on their effective date.".

3. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were former Senator Ralph Kelly and Dr. Walter Luers from Grand Island; Senator Bohlke's son, Jason; and Gene Williams.

ADJOURNMENT

At 5:02 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Wednesday, March 23, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-FIFTH DAY - MARCH 23, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

FORTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 23, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Tom Stebbins, Christ Community Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Warner who was excused; and Messrs. Abboud, Chambers, Haberman, Hall, Kristensen, Landis, Lynch, Matzke, Moore, Will, Mmes. Bohlke, Hudkins, Rasmussen, and Ms. Day who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1321, line 4, strike "LB 1223" and insert "LB 903".
The Journal for the forty-fourth day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 1129 and 1250.

Enrollment and Review Change to LB 1129

The following changes, required to be reported for publication in the Journal, have been made:
ER7439

1. In the Matzke amendment, AM3491, on page 1, line 3, "sections 2 and" has been struck and "this section and section" inserted; in line 8 "into" has been inserted after "initiation"; and in lines 21 and 22 the comma has been struck.

Enrollment and Review Change to LB 1250

The following changes, required to be reported for publication in the Journal, have been made:
ER7444

1. In the E & R amendments, AM5678:

a. On page 4, line 15, "and" has been struck; and in line 20 "and" has been inserted after the semicolon;

b. On page 5, line 5, paragraphing has been inserted after the period; in line 26 "purpose of" has been reinstated; and in line 27 "purposes of" has been struck;

c. On page 13, line 21, "to a" has been inserted after the first comma;

d. On page 18, line 5, the first comma has been reinstated; and in line 16 "and" has been struck and shown as stricken and the first stricken comma has been reinstated;

e. On page 19, line 7, "the" has been inserted after "or";

f. On page 24, lines 3 and 4, the stricken commas have been reinstated; and

g. On page 25, line 15, "for" has been struck.

2. On page 1, line 9, "; to change procedures relating to expulsion; to provide for completion of school work as prescribed" has been inserted after "notice".

(Signed) Janis M. McKenzie, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler and Mrs. Bohlke asked unanimous consent to print the following amendment to LB 1207 in the Journal. No objections. So ordered.

AM3881

(Amendments to E & R amendments, AM5680)

1. Strike sections 11 and 13 and insert the following new sections:

"Sec. 3. That section 13-2001, Revised Statutes Supplement, 1992, be amended to read as follows:

13-2001. Sections 13-2001 to 13-2043 and section 5 of this act shall be known and may be cited as the Integrated Solid Waste Management Act.

Sec. 4. That section 13-2003, Revised Statutes Supplement, 1992, be amended to read as follows:

13-2003. For purposes of the Integrated Solid Waste

Management Act, the definitions found in sections 13-2004 to 13-2016 and section 5 of this act shall be used.

Sec. 5. Yard waste shall mean grass and leaves.

Sec. 9. That section 13-2038, Revised Statutes Supplement, 1992, be amended to read as follows:

13-2038. The council shall adopt and promulgate rules and regulations which define ~~yard waste,~~ lead-acid batteries, discarded household appliances, waste oil, and unregulated hazardous wastes, except household hazardous wastes, which are exempt from the regulations under the Environmental Protection Act.

Sec. 16. That original sections 13-2001, 13-2003, 13-2022, 13-2034, 13-2036, 13-2038, 13-2039, and 13-2042, Revised Statutes Supplement, 1992, and sections 13-515, 13-516, 60-335, and 77-2704.15, Revised Statutes Supplement, 1993, are repealed.".

2. On page 5, line 12, strike "and", show as stricken, and insert an underscored comma; in lines 13 and 17 strike "of", show as stricken, and insert ", and investigative and corrective action with respect to"; and in line 16 strike "and" and show as stricken.

3. On page 10, line 17, strike "45-104.01" and insert "45-104.02"; and in line 18 strike "by the Legislature".

4. On page 11, line 14, strike "remediation", show as stricken, and insert "investigative or corrective action".

5. On page 12, line 20; and page 13, line 12, after "Act" insert "or the Integrated Solid Waste Management Act".

6. Renumber the remaining sections accordingly.

MOTION - Approve Appointment

Mr. Lindsay moved the adoption of the report of the Judiciary Committee for the following Governor appointment found in the Journal on page 1289: Manuel S. Gallardo - Parole Board.

Voting in the affirmative, 25:

Beutler	Dierks	Lindsay	Robak	Vrtiska
Bromm	Elmer	McKenzie	Robinson	Wehrbein
Byars	Fisher	Monen	Schellpeper	Wesely
Coordsen	Janssen	Pedersen	Schimek	Witek
Crosby	Jones	Preister	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 9:

Ashford	Avery

Bernard-Stevens	Cudaback	Hartnett	Pirsch	Wickersham
	Engel	Hillman		

Excused and not voting, 15:

Abboud	Day	Hudkins	Lynch	Rasmussen
Bohlke	Haberman	Kristensen	Matzke	Warner
Chambers	Hall	Landis	Moore	Will

The appointment was confirmed with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 344. Read. Considered.

LEGISLATIVE RESOLUTION 345. Read. Considered.

LEGISLATIVE RESOLUTION 348. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 344, 345, and 348 were adopted with 26 ayes, 0 nays, and 23 not voting.

MOTION - Return LB 211 to Select File

Mr. Wesely moved to return LB 211 to Select File for the following specific amendment:
FA454
Strike the enacting clause.

Mr. Wesely withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 211.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-484, 60-4,105, 60-4,114, and 60-4,146, Revised Statutes Supplement, 1992, and sections 60-462, 60-4,112, and 60-4,118, Revised Statutes Supplement, 1993; to change requirements for proof of age and identity; to state intent; to create the Health Advisory Board; to provide powers and duties; to change provisions relating to issuance and cancellation of operators' licenses; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud	Crosby	Hartnett	Matzke	Schimek
Avery	Cudaback	Hillman	McKenzie	Schmitt
Bernard-Stevens	Day	Janssen	Monen	Vrtiska
Bohlke	Dierks	Jones	Moore	Wehrbein
Bromm	Elmer	Kristensen	Pedersen	Wesely
Byars	Engel	Landis	Robinson	Wickersham
Coordsen	Fisher	Lynch	Schellpeper	Withem
	Haberman			

Voting in the negative, 6:

Beutler	Pirsch	Robak	Will	Witek
Lindsay				

Present and not voting, 2:

Ashford	Preister

Excused and not voting, 5:

Chambers	Hall	Hudkins	Rasmussen	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 211A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 211, Ninety-third Legislature, Second Session, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud	Byars	Elmer	Jones	Monen
Avery	Coordsen	Engel	Kristensen	Moore
Bernard-Stevens	Crosby	Fisher	Landis	Pedersen
Bohlke	Cudaback	Hartnett	Lynch	Robinson
Bromm	Day	Hillman	Matzke	Schellpeper
	Dierks	Janssen	McKenzie	Schimek

Schmitt	Wehrbein	Wesely	Wickersham	Withem
Vrtiska				

Voting in the negative, 5:

Beutler	Lindsay	Pirsch	Robak	Witek

Present and not voting, 4:

Ashford	Haberman	Preister	Will

Excused and not voting, 5:

Chambers	Hall	Hudkins	Rasmussen	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 291.

A BILL FOR AN ACT relating to the Nebraska Comprehensive Community Mental Health Services Act; to amend sections 71-5003, 71-5008, and 71-5009, Reissue Revised Statutes of Nebraska, 1943; to create and provide duties for the State Mental Health Planning and Evaluation Council; to eliminate the State Mental Health Advisory Committee; to change funding provisions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Chambers	Hartnett	McKenzie	Schmitt
Ashford	Crosby	Hillman	Moore	Vrtiska
Avery	Cudaback	Janssen	Pedersen	Wehrbein
Bernard-Stevens	Day	Jones	Pirsch	Wesely
	Dierks	Kristensen	Preister	Wickersham
Beutler	Elmer	Landis	Robak	Will
Bohlke	Engel	Lindsay	Robinson	Witek
Bromm	Fisher	Lynch	Schellpeper	Withem
Byars	Haberman	Matzke	Schimek	

Voting in the negative, 0.

Present and not voting, 2:

Coordsen	Monen

Excused and not voting, 4:

Hall Hudkins Rasmussen Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 291A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 291, Ninety-third Legislature, Second Session, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Chambers	Hartnett	McKenzie	Schimek
Ashford	Coordsen	Hillman	Monen	Schmitt
Avery	Crosby	Janssen	Moore	Vrtiska
Bernard-Stevens	Cudaback	Jones	Pedersen	Wehrbein
	Day	Kristensen	Pirsch	Wesely
Beutler	Dierks	Landis	Preister	Wickersham
Bohlke	Elmer	Lindsay	Robak	Will
Bromm	Engel	Lynch	Robinson	Witek
Byars	Fisher	Matzke	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 1:

Haberman

Excused and not voting, 4:

Hall Hudkins Rasmussen Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 436.

A BILL FOR AN ACT relating to juveniles; to amend section 43-281, Reissue Revised Statutes of Nebraska, 1943, and sections 83-465 and 83-469, Revised Statutes Supplement, 1993; to require an evaluation

prior to commitment of a juvenile to a Youth Development Center; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Coordsen	Hillman	Monen	Schmitt
Ashford	Crosby	Janssen	Moore	Vrtiska
Avery	Cudaback	Jones	Pedersen	Wehrbein
Bernard-Stevens	Day	Kristensen	Pirsch	Wesely
	Dierks	Landis	Preister	Wickersham
Beutler	Elmer	Lindsay	Robak	Will
Bohlke	Engel	Lynch	Robinson	Witek
Bromm	Fisher	Matzke	Schellpeper	Withem
Byars	Hartnett	McKenzie	Schimek	

Voting in the negative, 0.

Present and not voting, 2:

Chambers Haberman

Excused and not voting, 4:

Hall Hudkins Rasmussen Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 436A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 436, Ninety-third Legislature, Second Session, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Beutler	Crosby	Engel	Jones
Ashford	Bohlke	Cudaback	Fisher	Kristensen
Avery	Bromm	Day	Hartnett	Landis
Bernard-Stevens	Byars	Dierks	Hillman	Lindsay
	Coordsen	Elmer	Janssen	Lynch

Matzke	Pirsch	Schellpeper	Wehrbein	Will
McKenzie	Preister	Schimek	Wesely	Witek
Monen	Robak	Schmitt	Wickersham	Withem
Pedersen	Robinson	Vrtiska		

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Haberman	Moore

Excused and not voting, 4:

Hall	Hudkins	Rasmussen	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1001.

A BILL FOR AN ACT relating to counties; to amend section 23-362, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to payments to certain counties containing land held by the United States for the benefit of Indians; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud	Coordsen	Hillman	Monen	Schmitt
Ashford	Crosby	Janssen	Moore	Vrtiska
Avery	Cudaback	Jones	Pedersen	Wehrbein
Bernard-Stevens	Dierks	Kristensen	Pirsch	Wesely
	Elmer	Landis	Preister	Wickersham
Beutler	Engel	Lindsay	Robak	Will
Bohlke	Fisher	Lynch	Robinson	Witek
Bromm	Haberman	Matzke	Schellpeper	Withem
Byars	Hartnett	McKenzie	Schimek	

Voting in the negative, 0.

Present and not voting, 2:

Chambers	Day

Excused and not voting, 4:

Hall Hudkins Rasmussen Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1001A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1001, Ninety-third Legislature, Second Session, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Crosby	Hillman	McKenzie	Schmitt
Ashford	Cudaback	Janssen	Monen	Vrtiska
Avery	Day	Jones	Moore	Wehrbein
Bernard-Stevens	Dierks	Kristensen	Pedersen	Wesely
	Elmer	Landis	Pirsch	Wickersham
Beutler	Engel	Lindsay	Robak	Will
Bohlke	Fisher	Lynch	Schellpeper	Witek
Byars	Haberman	Matzke	Schimek	Withem
Coordsen	Hartnett			

Voting in the negative, 0.

Present and not voting, 4:

Bromm Chambers Preister Robinson

Excused and not voting, 4:

Hall Hudkins Rasmussen Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 498 to Select File

Mr. Bernard-Stevens moved to return LB 498 to Select File for the following specific amendment:
FA455
Strike the enacting clause.

Mr. Bernard-Stevens withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 498.

A BILL FOR AN ACT relating to mental health; to amend sections 29-3701, 29-3702, 29-3703, 83-1002, 83-1018, and 83-1046, Reissue Revised Statutes of Nebraska, 1943, and sections 83-1017 and 83-1078, Revised Statutes Supplement, 1992; to change criminal procedure provisions relating to treatment of persons found not responsible by reason of insanity; to define a term; to change restrictions on the number of mental health boards in a judicial district; to change board membership provisions; to provide for training of members of mental health boards as prescribed; to change provisions relating to treatment, discharge, and seizure of and hearings involving persons subject to the Nebraska Mental Health Commitment Act; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Abboud	Chambers	Haberman	Matzke	Schimek
Ashford	Coordsen	Hartnett	McKenzie	Schmitt
Avery	Crosby	Hillman	Monen	Vrtiska
Bernard-Stevens	Cudaback	Janssen	Pedersen	Wehrbein
	Day	Jones	Pirsch	Wesely
Beutler	Dierks	Kristensen	Preister	Wickersham
Bohlke	Elmer	Landis	Robak	Will
Bromm	Engel	Lindsay	Robinson	Witek
Byars	Fisher	Lynch	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 1:

Moore

Excused and not voting, 4:

Hall	Hudkins	Rasmussen	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 498A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 498, Ninety-third Legislature, Second Session, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Chambers	Hartnett	Monen	Schmitt
Ashford	Coordsen	Hillman	Pedersen	Vrtiska
Avery	Crosby	Janssen	Pirsch	Wehrbein
Bernard-Stevens	Day	Jones	Preister	Wesely
Beutler	Dierks	Landis	Rasmussen	Wickersham
Bohlke	Elmer	Lindsay	Robak	Will
Bromm	Engel	Lynch	Schellpeper	Witek
Byars	Fisher	Matzke	Schimek	Withem
	Haberman	McKenzie		

Voting in the negative, 0.

Present and not voting, 4:

Cudaback	Kristensen	Moore	Robinson

Excused and not voting, 3:

Hall	Hudkins	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 248.

A BILL FOR AN ACT relating to labor; to adopt the Contractor Registration Act.

Mr. Lynch requested a roll call vote in reverse order.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 24:

Bernard-Stevens	Haberman	Landis	Monen	Wehrbein
Bohlke	Hall	Lindsay	Preister	Wesely
Chambers	Hartnett	Lynch	Rasmussen	Wickersham
Engel	Hillman	Matzke	Schimek	Will
	Janssen	McKenzie	Vrtiska	Withem

Voting in the negative, 16:

Abboud	Byars	Day	Jones	Robak
Ashford	Coordsen	Dierks	Kristensen	Robinson
Beutler	Crosby	Elmer	Pirsch	Witek
Bromm				

Present and not voting, 7:

Avery	Fisher	Pedersen	Schellpeper	Schmitt
Cudaback	Moore			

Excused and not voting, 2:

Hudkins Warner

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

UNANIMOUS CONSENT - Members Excused

Messrs. Hall and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 349. Introduced by Beutler, 28.

WHEREAS, the protection of the public health and welfare is the primary concern of public water supply systems; and

WHEREAS, the ability of public water supply systems to protect the health and welfare of its citizenry has been greatly reduced by unfunded federal mandates contained in the Safe Drinking Water Act; and

WHEREAS, public water supply systems cannot afford to commit limited resources on federal mandates which provide little or no benefit to public health, but must rather be permitted to focus their resources on protections which ensure the highest safety for public health; and

WHEREAS, H.R. 3392, the Safe Drinking Water Act Amendments of 1993, introduced by Representative Jim Slattery of Kansas and Representative Thomas Bliley of Virginia, would amend the Safe Drinking Water Act to allow public water supply systems greater ability to effectively protect the public health and welfare by ensuring

that limited public resources can be sensibly focused on the most serious risks presented by contaminants in drinking water.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature urges Congress to amend the Safe Drinking Water Act in such a manner as will permit public water supply systems to focus their resources on issues which threaten public health and which will provide flexibility in meeting the real health needs of its citizenry.

2. That the Clerk of the Legislature transmit a copy of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, all members of the congressional delegation from the State of Nebraska, the Administrator of the United States Environmental Protection Agency and the Regional Administrator, Region VII of the United States Environmental Protection Agency.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 349 was referred to the Reference Committee.

RESOLUTIONS

LEGISLATIVE RESOLUTION 350. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study what state legislation should be developed to promote and enhance the national information superhighway in response to pending federal legislation and agency proposals.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation Committee of the Legislature in cooperation with the Public Service Commission shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 351. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether competition among local exchange carriers should be encouraged by

further deregulation to enhance the quality of service and increase choice among carriers and services for telephone subscribers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation Committee of the Legislature in cooperation with the Public Service Commission shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 352. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study the effect Laws 1986, LB 835 has had on access charges in Nebraska and what the state regulatory scheme on access charges should be in 1995 and future years.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation Committee of the Legislature in cooperation with the Public Service Commission shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 353. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to initiate a comprehensive study of the state's present transportation system, with provision for maximum involvement and input from the general public, as well as highway users, the trucking industry, the railroad industry, shippers groups, aviation-related groups, and other interested parties with the objectives of exploring the desirability of creating a state Department of Transportation and identifying possible sources of revenue to fund transportation projects and facilities deemed necessary to serve the long-term best interests of the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 211, 211A, 291, 291A, 436, 436A, 1001, 1001A, 498, and 498A.

GENERAL FILE

LEGISLATIVE BILL 37. Mr. Beutler withdrew his pending motion, found in the Journal on page 1247, to overrule the Chair.

The second Beutler amendment, to the Standing Committee amendment, is as follows:
(Amendment on file in the Clerk's Office - Room 2018 - FA445.)

Mr. Moore requested a ruling of the Chair on whether the Beutler amendment is germane to the Standing Committee amendment.

The Chair ruled the Beutler amendment is not germane to the Standing Committee amendment.

The third Beutler amendment, to the Standing Committee amendment, is as follows:
(Amendment on file in the Clerk's Office - Room 2018 - FA446.)

Mr. Moore requested a ruling of the Chair on whether the Beutler amendment is germane to the Standing Committee amendment.

The Chair ruled the Beutler amendment is not germane to the Standing Committee amendment.

The fourth Beutler amendment, to the Standing Committee amendment, is as follows:
(Amendment on file in the Clerk's Office - Room 2018 - FA447.)

Mr. Moore requested a ruling of the Chair on whether the Beutler amendment is germane to the Standing Committee amendment.

The Chair ruled the Beutler amendment is not germane to the Standing Committee amendment.

The fifth Beutler amendment, to the Standing Committee amendment, is as follows:

FA448

(Amendments to Standing Committee amendments, AM3281)

Sec. 16. There is hereby created the Natural Resources Enhancement Fund. The State Treasurer shall credit to the fund for the uses and purposes of section 17 of this act such money as is specifically appropriated and such funds, fees, donations, gifts, services, devises, or bequests of real or personal property received by the Nebraska Natural Resources Commission from any source, federal, state, public, or private, to be used by the commission for the purposes of funding programs listed in subsection (5) of section 77-4401. The commission shall allocate money from the fund pursuant to section 17 of this act. The fund shall be exempt from provisions relating to lapsing of appropriations. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 17. The Natural Resources Enhancement Fund shall be allocated by contractual agreement with natural resources districts for the purposes of funding programs listed in subsection (5) of section 77-4401. The initial allocations each fiscal year shall be made by the Nebraska Natural Resources Commission, based on needs of individual natural resources districts relative to needs of other districts, to districts which have qualifying programs. The Director of Natural Resources shall have sole discretion to decide whether a district's program qualifies for funding pursuant to this section. The unused allocations shall be credited to the Nebraska Resources Development Fund on or after March 1 of any year if the commission determines that one or more districts cannot reasonably be expected to use their full allocation for that fiscal year. The commission shall adopt and promulgate rules and regulations to carry out this section and section 16 of this act.

Sec. 28. That section 77-4401, Revised Statutes Supplement, 1993, be amended to read as follows:

77-4401. (1) ~~Except as otherwise provided in this section, commencing April 1, 1992, through April 30, 1993, there shall be imposed a fee of three dollars per ton upon the gross tonnage of all sales, use, or other consumption in this state of commercial fertilizers, and commencing May 1, 1993, there~~ There shall be imposed a fee of four dollars per ton upon the gross tonnage of all sales, use, or other consumption in this state of commercial fertilizers. The fee shall be paid by the purchaser of the commercial fertilizer. Any commercial fertilizer subject to the sales and use tax pursuant to the Nebraska Revenue Act of 1967 shall be exempt from the fee imposed by this section. For purposes of this section, the definitions found in section 81-2,162.02 shall

apply.

(2) The fee imposed by this section shall be collected by the seller and remitted to the Department of Revenue for credit to the ~~General~~ Fertilizer Fee Fund, based on the gross tonnage of commercial fertilizers sold during the preceding period. Payment of the fee shall be accompanied by a report setting forth the gross tonnage of commercial fertilizers sold by the seller. The report shall be on a form prescribed by the Department of Revenue and shall include such other information as the Tax Commissioner deems necessary. The provisions of the Nebraska Revenue Act of 1967 applicable to sales and use taxes shall apply to imposition of the fee.

(3) For purposes of this section, gross tonnage shall not include water and other carriers added by the retail seller of the fertilizer and shall not include sales of packages of fertilizers containing ten pounds or less.

(4) Any person who purchased commercial fertilizer prior to May 1, 1993, and paid a fee greater than three dollars per ton shall be entitled to a refund of the amount paid in excess of three dollars per ton.

(5) There is hereby created the Fertilizer Fee Fund. The fund shall be used to fund programs and projects specified in this section. The fund shall be exempt from provisions relating to lapsing of appropriations. Any money in the fund shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276. On or before October 1 of each year the Tax Commissioner shall direct the State Treasurer to transfer all money in the fund which was remitted during the previous fiscal year pursuant to this section to the funds listed in subdivisions (a) through (m) of this subsection. The money shall be allocated for the programs and projects listed in such subdivisions in the percentages indicated by such subdivisions:

(a) Two percent to the Environmental Education Fund for use in carrying out the purposes of the Environmental Education Act;

(b) Four percent to the Nebraska Resources Enhancement Fund for natural resources districts' abandoned water wells plugging programs;

(c) Seven percent to the Nebraska Resources Enhancement Fund for natural resources districts' water quality programs;

(d) Seven percent to the Drinking Water Source Quality Fund for sustainable agriculture research and demonstration projects pursuant to the Drinking Water Source Quality Act;

(e) Seven percent to the Tree Planting Incentive Fund for tree planting programs pursuant to the Tree Planting Incentive Act;

(f) Fourteen percent to the Drinking Water Source Quality Fund for drinking water testing cost subsidies pursuant to the Drinking Water Source Quality Act;

(g) Two percent to the Nebraska Resources Enhancement Fund for inspections by natural resources districts conducted pursuant to the Nebraska Chemigation Act;

(h) Eighteen percent to the Nebraska Resources Development Fund;

(i) Three percent to the Nebraska Soil and Water Conservation Fund;

(j) Two percent to the Nebraska Resources Enhancement Fund for the purchase of special equipment required by natural resources districts in management areas and control areas formed pursuant to the Nebraska Ground Water Management and Protection Act;

(k) One percent to the River Assessment Cash Fund for a statewide rivers assessment conducted pursuant to the River Assessment Act;

(l) Seven percent to the Natural Resources Enhancement Fund for source water protection programs undertaken by natural resources districts; and

(m) Twenty-six percent to the Ethanol Production Incentive Cash Fund.

(6) The Tax Commissioner shall adopt and promulgate rules and regulations to carry out this section.

Sec. 29. That original section 77-4401, Revised Statutes Supplement, 1993, is repealed.".

MR. LINDSAY PRESIDING

Mr. Hall moved to bracket LB 37 until Friday, April 8, 1994.

SPEAKER WITHEM PRESIDING

Mr. Chambers offered the following amendment to the Hall pending motion:

FA456

Amend Hall bracket motion -
Change date to April 11th

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Chambers amendment lost with 7 ayes, 21 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Hall moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Hall requested a roll call vote on his motion to bracket.

Voting in the affirmative, 15:

Abboud	Day	Hillman	Pedersen	Wesely
Avery	Hall	Lindsay	Rasmussen	Will
Beutler	Hartnett	Monen	Schimek	Withem

Voting in the negative, 28:

Ashford	Coordsen	Fisher	McKenzie	Schmitt
Bernard-Stevens	Crosby	Haberman	Moore	Vrtiska
	Cudaback	Janssen	Pirsch	Wehrbein
Bohlke	Dierks	Jones	Robak	Wickersham
Bromm	Elmer	Kristensen	Robinson	Witek
Byars	Engel	Matzke	Schellpeper	

Present and not voting, 3:

Chambers	Lynch	Preister

Excused and not voting, 3:

Hudkins	Landis	Warner

The Hall motion to bracket lost with 15 ayes, 28 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Messrs. Ashford, Robinson, and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

The fifth Beutler pending amendment, FA448, to the Standing Committee amendment, found in this day's Journal, was renewed.

MR. WILL PRESIDING

Messrs. Withem, Kristensen, Schellpeper, and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORT
Business and Labor

The Committee on Business and Labor desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

John P. Hillebrandt - Boiler Safety Code Advisory Board

VOTE: Aye: Senators Abboud, Bromm, Chambers, Dierks, Preister, Schimek, and Vrtiska. Absent: None.

(Signed) Chris Abboud, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Hall and Landis asked unanimous consent to print the following amendment to LB 1292 in the Journal. No objections. So ordered.

(Amendment, AM3910, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Messrs. Warner, Landis, Coordsen, Wickersham, Hartnett, Schellpeper, Kristensen, and Will asked unanimous consent to print the following amendment to LB 910 in the Journal. No objections. So ordered.

(Amendment, AM3866, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 23, 1994, at 10:45 a.m., were the following bills: 211, 211A, 291, 291A, 436, 436A, 1001, 1001A, 498, and 498A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 1364. Placed on General File as amended.
Standing Committee amendment to LB 1364:
AM3951

1. On page 2, line 11; and page 3, line 4, strike "1,200.00" and insert "3,529.75".

2. On page 3, line 5, strike "29,771.39" and insert "32,101.14".

LEGISLATIVE BILL 1363. Indefinitely postponed.

(Signed) Chris Abboud, Chairperson

VISITORS

Visitors to the Chamber were Senator Monen's daughter, Emily; 42 fourth grade students and teacher from Lincoln Christian School; Bob and Phyllis Williamson from Dawson; Linda Redfern and Ben Patch from Scottsbluff; 71 fifth grade students and sponsors from Linden Elementary School, Fremont; Chuck Jura from Columbus; John Janecek from Clatonia; and 37 third grade students and teacher from Immanuel Lutheran School, Columbus.

RECESS

At 12:00 noon, on a motion by Mr. Hall, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., Mrs. Crosby presiding.

ROLL CALL

The roll was called and all members were present except Mr. Warner who was excused; and Mmes. Bohlke, McKenzie, Pirsch, Messrs. Chambers, Haberman, Hall, Landis, Lindsay, Pedersen, Robinson, Will, and Withem who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 991. Mrs. Hillman offered the following amendment:

AM3843

1. On page 115, strike line 5, show as stricken, and insert "CASH FUND 1,755,126 1,670,796"; and strike line 6, show as stricken, and insert "PROGRAM TOTAL 1,755,126 1,670,796".

The Hillman amendment was adopted with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Messrs. Moore and Bernard-Stevens offered the following amendment: FA457

Strike all sections of LB 991 and all amendments thereto, except for the Bohlke amendment, AM3823 and original section 55 of LB 991.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Moore and Bernard-Stevens withdrew their amendment.

Mr. Elmer moved to reconsider the vote taken on the Bohlke amendment, AM3823.

SPEAKER WITHEM PRESIDING

Mrs. Rasmussen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Mr. Moore moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Mr. Moore requested a roll call vote on the Elmer motion to reconsider the Bohlke amendment.

Voting in the affirmative, 23:

Ashford	Byars	Engel	Janssen	Schmitt
Avery	Coordsen	Fisher	Jones	Vrtiska
Bernard-Stevens	Cudaback	Hall	Moore	Wehrbein
Bromm	Dierks	Hartnett	Robinson	Witek
	Elmer	Hillman	Schellpeper	

Voting in the negative, 20:

Abboud	Haberman	Matzke	Pirsch	Wesely
Beutler	Hudkins	McKenzie	Preister	Wickersham
Bohlke	Kristensen	Monen	Rasmussen	Will
Day	Lindsay	Pedersen	Robak	Withem

Present and not voting, 3:

Chambers Crosby Schimek

Excused and not voting, 3:

Landis Lynch Warner

The Elmer motion to reconsider lost with 23 ayes, 20 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Messrs. Ashford, Avery, Abboud, Withem, Chambers, Monen, Lindsay, Preister, Pedersen, Hartnett, Will, Lynch, Mmes. Pirsch, and Witek offered the following amendment:
AM3920

1. Insert the following new section:

"Sec. 13. AGENCY NO. 51 -- UNIVERSITY OF NEBRASKA
Program No. 781 - Central Administration-Systemwide
There is hereby appropriated to the Board of Regents of the University of Nebraska the following sum of money to be administered by Central Administration.

	FY1993-94	FY1994-95
GENERAL FUND	-0-	300,000
PROGRAM TOTAL	-0-	300,000

It is the intent of the Legislature that the funds appropriated in this section be utilized by the Board of Regents of the University of Nebraska to enhance current instructional programs offered by the College of Engineering at the University of Nebraska at Omaha delivery site.
It is the intent of the Legislature that $300,000 shall be appropriated for FY1995-96 for the same purpose.".

2. Renumber the remaining sections accordingly.

Mr. Moore offered the following amendment to the Ashford et al. pending amendment:
AM3966

(Amendments to AM3920)

1. Insert the following new section:

"Sec. 44. That Laws 1993, LB 330, section 52, be amended to read as follows:
Sec. 52. AGENCY NO. 51 -- UNIVERSITY OF NEBRASKA
There is hereby appropriated (1) $350,000 from the General Fund for FY1993-94 and (2) $350,000 from the General Fund for FY1994-95 to the Board of Regents of the University of Nebraska, for Program 781, for expenditure and distribution to the University of Nebraska at Omaha, for additional faculty to support existing instructional programs except that $100,000 shall be allocated for FY1994-95 to enhance current instructional programs offered by the College of Engineering

at the University of Nebraska at Omaha delivery site.

It is the intent of the Legislature that the appropriation for additional faculty be expended in a manner similar to the request with the exception at $100,000 which shall be allocated for FY1994-95 to enhance current instructional programs offered by the College of Engineering.".

2. On page 1, strike beginning with "There" in line 4 through "purpose" in line 16 and insert:

"It is the intent of the Legislature that $100,000 of the General Fund allocation to the University of Nebraska-Lincoln for FY1994-95 shall be allocated to enhance current instructional programs offered by the College of Engineering at the University of Nebraska at Omaha delivery site".

3. Insert the following new amendment:

"2. On page 153, line 8, strike 'section 44' and insert 'sections 44 and 52'.".

4. Renumber the remaining amendment accordingly.

MR. HALL PRESIDING

Mr. Withem and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Ashford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Moore moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Moore requested a roll call vote on his amendment.

Voting in the affirmative, 27:

Bernard-Stevens	Cudaback	Haberman	McKenzie	Schmitt
Bohlke	Day	Hillman	Moore	Vrtiska
Bromm	Dierks	Janssen	Pirsch	Wehrbein
Byars	Elmer	Jones	Robinson	Wickersham
Coordsen	Engel	Kristensen	Schellpeper	Witek
	Fisher	Landis		

Voting in the negative, 18:

Abboud	Chambers	Hudkins	Pedersen	Schimek
Ashford	Crosby	Lindsay	Preister	Wesely
Avery	Hall	Matzke	Rasmussen	Will
Beutler	Hartnett	Monen		

Excused and not voting, 4:

Lynch Robak Warner Withem

The Moore amendment was adopted with 27 ayes, 18 nays, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 94018

DATE: March 21, 1994

SUBJECT: Medicaid Co-payments Under Neb. Rev. Stat. §§ 68-1019 and 68-1021 (1993 Supp.) (i.e., LB 808, Laws of Nebraska, 93rd Legislature, First Session (1993))

REQUESTED BY: Senator Don Wesely
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Royce N. Harper, Senior Assistant Attorney General

QUESTION: Whether Neb. Rev. Stat. §§ 68-1019 and 68-1021 (1993 Supp.) are pre-empted by 42 U.S.C. § 1396r-8(f)(1), otherwise known as the Omnibus Reconciliation Act of 1990 (OBRA '90).

ANSWER: No. The co-payment provisions of Neb. Rev. Stat. §§ 68-1019 and 68-1021 are consistent with federal statutes and regulations which specifically allow states to implement co-payment plans for specified Medicaid recipients. The OBRA '90 moratorium found at 42 U.S.C. § 1396r-8(f)(1) only prevents reduction in the limits for covered outpatient drugs and not the source of payment for the providers. Finally, the case which has addressed the moratorium in relation to co-payments is not binding precedent on the United States District Court for the District of Nebraska.

Medicaid Program Background

The Medicaid program, enacted in 1965 as Title XIX of the Social Security Act, is a cooperative federal/state program designed to furnish medical assistance to eligible low income individuals. See 42 U.S.C. §§ 1396 et seq.; Atkins v. Rivera, 477 U.S. 154, 156-57 (1986); Schweiker v. Hogan, 457 U.S. 569, 571-72 (1982); and Harris v. McRae, 448 U.S. 297, 301 (1980). The program is jointly financed by

the federal and state governments and is administered by the states. Id. While participation in the Medicaid program is voluntary, participating states must submit a plan that fulfills the requirements established by the Medicaid statute, its implementing regulations, and other requirements imposed by the Secretary of Health and Human Services. 42 U.S.C. § 1396a. See Schweiker v. Gray Panthers, 453 U.S. 34, 36-37 (1981). See also 42 C.F.R. §§ 430.10 et seq. State Medicaid plans must be approved by the Secretary. 42 U.S.C. § 1316(a)(1) and 42 C.F.R. § 430.15. Upon approval of its plan, a state becomes entitled to reimbursement known as "federal financial participation" from the federal government for a portion of its payments to providers, including pharmacists furnishing services to Medicaid recipients. 42 U.S.C. § 1396b(a) and 42 C.F.R. §§ 430.1 and 430.30. A state that has chosen to participate in the Medicaid program is entitled to include expenditures for prescription drugs among the costs reimbursable by the federal government. 42 U.S.C. §§ 1396a(a)(10)(A) and 1396d(a)(12).

Opinion

Although it is possible to argue that 42 U.S.C. § 1396r-8(f)(1), otherwise known as OBRA '90, imposes a moratorium on establishing a plan of co-payments or deductibles on Medicaid recipients, it is the opinion of this office that such an interpretation is inconsistent with federal Medicaid statutes and regulations and the basic rules of statutory construction.

The co-payment provisions found in Neb. Rev. Stat. §§ 68-1019 and 68-1021 (1993 Supp.) are consistent with federal statutes and regulations which specifically allow states to implement co-payment plans for specified Medicaid recipients. 42 U.S.C. § 1396o(b)(1) states, "(For certain Medicaid recipients) there may be imposed an enrollment fee, premium, or similar charge. . . ." Clearly this statute allows a state to impose co-payment charges and deductibles on a Medicaid recipient. Additionally, federal regulations found at 42 C.F.R. § 447.55(a) provide that, "{t}he plan may provide for a standard, or fixed, co-payment amount for any service." The federal authorization could not be any clearer.

Additionally, when using basic rules of statutory construction, 42 U.S.C. § 1396r-8(f)(1) does not affect any state attempting to implement a co-payment or deductible plan. When interpreting a statute, one must determine and give effect to the purpose and intent of the Legislature as ascertained from the entire language of the statute considered in its plain, ordinary, and popular sense. In re Interest of Powers, 242 Neb. 19, 493 N.W.2d 166 (1992); and Georgetowne Limited Partnership v. Geotechnical Services, Inc., 230 Neb. 22, 430 N.W.2d 34 (1988). Also, as far as practicable, one must give effect to the language of the statute and reconcile different statutory provisions so that parts of a statute are consistent, harmonious, and sensible. Rosnick v. Marks, 218 Neb. 499, 357 N.W.2d 186 (1984).

42 U.S.C. § 1396r-8(f)(1) states:

(A) During the period of time beginning on January 1, 1991, and ending on December 31, 1994, the Secretary may not modify by regulation the formula used to determine reimbursement limits described in the regulations under 42 C.F.R. § 447.331 through 42 C.F.R. § 447.334 (as in effect on November 5, 1990) to reduce such limits for covered outpatient drugs.

(B) During the period of time described in subparagraph (A), any state that was in compliance with the regulations described in subparagraph (A) may not reduce the limits for covered outpatient drugs described in subparagraph (A) or dispensing fees for such drugs.

In the opinion of this office, the plain, ordinary, and popular meaning of the language in this statute only has effect on the regulations found at 42 C.F.R. § 447.331 through 42 C.F.R. § 447.334. These regulations merely set the aggregate upper limits of payment, the upper limits for multiple source drugs, the state plan requirements regarding the upper limits, and the upper limits for drugs furnished as part of services. These regulations only set forth the upper limits and the methodology that must be used in establishing a formula to calculate the reimbursement rates for pharmacies providing services and drugs to Medicaid recipients. The statute does not in any way mention the regulations authorizing the co-payments found at 42 C.F.R. § 447.55. Therefore, the moratorium has no force and effect so as to prevent a state from instituting a co-payment or deductible plan. Additionally, the plain language in the statute only prevents a reduction in the limits for covered outpatient drugs and dispensing fees and does not affect the source of said payments. The limits as established by the Nebraska Department of Social Services and approved by the Health Care Financing Administration establish a formula or methodology for calculating said limits. The current formula uses an average wholesale price per drug unit minus 8.71 percent multiplied by the units per prescription plus a pharmacy dispensing fee {(AWP - 8.71%) * units + dispensing fee}. This formula was in effect as of January 1, 1990, and has not been changed. It sets the limits for reimbursement allowed by the Department of Social Services and is not changed under the new co-payment and deductible plan. This formula is what is used to calculate the limits which are referred to the in the moratorium. Medicaid providers are still entitled to that amount calculated under the formula. However, the source of that amount is now being divided between the state and the Medicaid recipients. The co-payment amounts imposed under the Department plan are $2 per prescription. This $2 per prescription is a legal obligation that the Medicaid recipients have and may be enforced by the Medicaid providers in a civil action to collect the fee. Therefore, the amounts that the Medicaid providers are entitled to is not changed, and the moratorium has no force and effect on the co-payment plan. Additionally, when you consider OBRA '90 in conjunction with the entire Medicaid statutory scheme and regulations, it is common sense to limit the force and effect of the moratorium to the upper limits and not to the co-payment

plans. Otherwise, any attempt to change any aspect of the reimbursement scheme would be impossible. Such an interpretation would incapacitate the government and prevent it from adapting to an ever changing society. Therefore, it would defy logic to expand the scope of the moratorium set forth in OBRA '90 beyond the upper limits of reimbursement set by 42 C.F.R. §§ 447.331 through 447.334.

You also expressed concern over whether LB 808 would withstand a challenge in federal court given the recent decision of Pharmaceutical Society of the State of New York Inc. v. New York State Department of Social Services, 1994 W.L. 33369 (N.D.N.Y.). Although it is impossible to predict the results of any litigation with a large degree of certainty, it is the opinion of this office that a challenge to Nebraska's co-payment and deductible plan could be defended with a reasonable chance of success.

In addition to the reasons set forth above, the case in New York which found that a co-payment plan was in violation of OBRA '90 has little precedential value in the United States District Court for the District of Nebraska. The case was heard by the U.S. District Court for the Northern District of New York. It has well been established that district court decisions are not binding on other district courts, particularly outside their federal circuit. Such decisions only serve as an example of the reasoning and rationale behind one court's decision based on the particular facts of that case. Therefore, the Nebraska courts are not obligated to follow the reasoning in Pharmaceutical Society of the State of New York, Inc., Id.

There are some factors which should be considered in the event there is a challenge of the Nebraska law. On January 10, 1994, the United States District Court for the Northern District of New York issued a final order generally in favor of the plaintiff. However, this order has been appealed to the Court of Appeals for the Second Circuit. The Attorney General's Office for the State of New York is convinced that their position is meritorious. One argument that will be advanced by the State of New York is that the district court's rationale essentially bifurcated the term "reimbursement limits," and read the word "limits" out of the phrase. Thus, the thrust of the court's reasoning was that there was a reduction of reimbursement. The co-payment system places no reduction or restriction on limits. The OBRA '90 moratorium only prevents reduction in the limits, not the source. We would submit that had Congress been of the opinion that implementation of a co-payment plan was a reduction in payment "limits," it would have plainly prohibited such co-payment plans with respect to drugs for states in compliance with the regulation. Further, it should be noted that the United States District Court for the Northern District of Florida, Tallahassee Division, in the case of Florida Pharmacy Association v. Williams (No. TCA 92-40142-MMP) on November 8, 1993, granted summary judgment for the defendant on the identical issue of co-payments that was before the court in New York and is now an issue in Nebraska. In the Florida case, the legislature passed an appropriation bill that directed the agency to

implement a co-payment program for Medicaid prescription drugs. The Florida court found that the one dollar co-payment program was not in conflict with the moratorium imposed by OBRA. The court stated, "{a} co-payment simply means that the Medicaid recipient pays a part of the cost of drugs. Thus, it does not change how much reimbursement pharmacists receive; they are still entitled to the same amount of reimbursement as before."

In view of the above, it is the opinion of this office that there is a good chance that Neb. Rev. Stat. §§ 68-1019 and 68-1021 (1993 Supp.) could be defended and determined to be valid legislation.

Sincerely,
DON STENBERG
Attorney General
(Signed) Royce N. Harper
Senior Assistant Attorney General

15-10-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 94019

DATE: March 22, 1994

SUBJECT: Amendment 3455 to LB 1292 (1993 Legislative Session)

REQUESTED BY: Senator Stan Schellpeper
Chairperson, General Affairs Committee

WRITTEN BY: Don Stenberg, Attorney General
Laurie Smith Camp, Assistant Attorney General

You have asked whether AM 3455, which would include beer as an item required to be obtained from a primary American source under LB 1292, would prohibit the practice of one Nebraska beer wholesaler resupplying a brand of beer to another Nebraska beer wholesaler.

We find that AM 3455 would not prohibit this practice, as long as the Nebraska beer wholesaler who is resupplying the beer is serving as the agent of the manufacturer for that purpose. If the manufacturer of the beer approves of the practice and authorizes the resupplying wholesaler to serve as the manufacturer's agent for that purpose, neither the resupplying wholesaler nor the receiving wholesaler would be in violation of the terms of LB 1292 or of other provisions of the Liquor Control Act.

It should be noted that resupplying among wholesalers is not now permitted and would not be permissible under LB 1292 with respect to wine and spirits. Neb. Rev. Stat. § 53-169.01 (Cum. Supp. 1992) prevents an agency affiliation between manufacturers and wholesalers

of alcoholic liquor, with the exception of beer. Manufacturers of beer, but not of other alcoholic beverages, are permitted to engage in wholesale distribution. Neb. Rev. Stat. § 53-123.01 (Cum. Supp. 1992).

Before LB 1292 is passed, with or without AM 3455, consideration should be given to whether or not its terms may violate international trade agreements governing alcoholic beverages, such as the General Agreement on Tariffs and Trade (GATT) panel report of 1992.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Laurie Smith Camp
Assistant Attorney General
FAX (402) 471-3591

44-509-5.12

Opinion No. 94020

DATE: March 23, 1994

SUBJECT: Temporary loan of hand firearms to minors for instructional purposes, while under direct adult supervision

REQUESTED BY: Senator Stan Schellpeper

WRITTEN BY: Don Stenberg, Attorney General
Kimberly A. Klein, Assistant Attorney General

You have requested an opinion as to whether amendment AM5659 to LB 988 (now section 4 of LB 988, Final Reading) precludes the "temporary loan" of the firearms specified in Neb. Rev. Stat. § 28-1204 (1989).

As we read LB 988, as amended by AM5659, it specifically applies to firearms as defined in Neb. Rev. Stat. § 28-1204 (1989) (pistols, revolvers, and short-barreled hand firearms). Section 4(3) expressly states that "This section shall not authorize the transfer of any firearm described in section 28-1204."

As amended, LB 988 conflicts with Neb. Rev. Stat. § 28-1204(2) (1989), which provides that persons under 18 years of age who are receiving instruction under the immediate supervision of a parent, guardian, or adult instructor may possess a short-barreled hand firearm on "temporary loan."

Although section 4(2)(c) of LB 988, as amended, permits juveniles to possess certain firearms while under direct adult supervision in an educational program, this exception does not apply to pistols, revolvers or other short-barreled hand firearms, as is currently the law. Consequently, LB 988, as amended by AM5659, would make it a

felony to loan a pistol, revolver, or other short-barreled hand firearm to a juvenile even for instructional purposes while under direct adult supervision.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Kimberly A. Klein
Assistant Attorney General

3-1530-3
cc: Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1222. Placed on Select File as amended.
(E & R amendment, AM5714, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 1222A. Placed on Select File.

LEGISLATIVE BILL 1044. Placed on Select File as amended.
E & R amendment to LB 1044:
AM5710

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 86-1003, Revised Statutes Supplement, 1992, be amended to read as follows:

86-1003. (1) A governing body may incur any nonrecurring or recurring charges for the installation, maintenance, and operation of 911 service and shall pay such costs out of general funds which may be supplemented by funds from the imposition of a service surcharge. A governing body incurring costs for 911 service may impose a uniform service surcharge ~~in an amount not to exceed~~ of up to fifty cents per month on each local exchange access line physically terminating in the governing body's 911 service area. The initial service surcharge may be imposed at any time subsequent to the execution of an agreement for 911 service with a service supplier.

(2) Except in a county containing a city of the metropolitan class, such uniform service surcharge in subsection (1) of this section may be increased by an additional amount not to exceed fifty cents per month. Such additional increase shall be made only after:

(a) Publication of notices for a public hearing. Such notices shall:

(i) Be published at least once a week for three

consecutive weeks in a legal newspaper published or of general circulation in the areas affected;

(ii) Set forth the time, place, and date of such public hearing; and

(iii) Set forth the purpose of the public hearing and the purpose of the increase; and

(b) A public hearing is held pursuant to such notices.

~~(2)~~ (3) If 911 service is to be provided for a territory which is included in whole or in part in the jurisdiction of two or more governing bodies, the agreement for such service shall be entered into by each such governing body unless any such governing body expressly excludes itself from the agreement. Such an agreement shall provide that each governing body which is a customer of 911 service will pay for its portion of the service. Nothing in this subsection shall be construed to prevent two or more governing bodies from entering into a contract which establishes a separate legal entity for the purpose of entering into such an agreement as the customer of the service supplier or any supplier of equipment for 911 service.

~~(3)~~ (4) If a governing body's 911 service area includes a local exchange area which intersects governmental boundary lines, the affected governmental units may cooperate to provide 911 service through an interlocal agreement as provided in the Interlocal Cooperation Act. The agreement shall provide for the assessment of a uniform service surcharge within a governing body's 911 service area. The service surcharge shall not exceed fifty cents per month on each local exchange access line physically terminating in the governing body's 911 service area.

(5) Funds generated by the service surcharge shall be expended only for the purchase, installation, maintenance, and operation of telecommunications equipment and telecommunications-related services required for the provision of 911 service.

Sec. 2. That original section 86-1003, Revised Statutes Supplement, 1992, is repealed.".

2. On page 1, line 2, strike beginning with "sections" through "86-1007" and insert "section 86-1003"; and in line 6 strike "sections" and insert "section".

LEGISLATIVE BILL 718. Placed on Select File.
LEGISLATIVE BILL 76A. Placed on Select File.
LEGISLATIVE BILL 817A. Placed on Select File.
LEGISLATIVE BILL 971A. Placed on Select File.
LEGISLATIVE BILL 981A. Placed on Select File.

LEGISLATIVE BILL 988A. Placed on Select File as amended.

E & R amendment to LB 988A:
AM5713

1. In the Bernard-Stevens amendments, AM3592, on page 4, line 12, strike "(1)".

2. On page 1, line 4, after the first semicolon insert "to change and eliminate appropriations;"; in line 5 strike the first "and"; and in line 6 after "1" insert "; and to declare an emergency".

LEGISLATIVE BILL 1160A. Placed on Select File.
LEGISLATIVE BILL 1275A. Placed on Select File.

LEGISLATIVE BILL 961. Placed on Select File as amended.
E & R amendment to LB 961:
AM5712

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 77-202, Revised Statutes Supplement, 1992, be amended to read as follows:

77-202. (1) The following property shall be exempt from property taxes:

(a) Property of the state and its governmental subdivisions;

(b) Property owned by and used exclusively for agricultural and horticultural societies;

(c) Property owned by educational, religious, charitable, or cemetery organizations and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not (i) owned or used for financial gain or profit to either the owner or user, (ii) used for the sale of alcoholic liquors for more than twenty hours per week, or (iii) owned or used by an organization which discriminates in membership or employment based on race, color, or national origin. For purposes of this subdivision, educational organization shall mean an institution operated exclusively for the purpose of offering regular courses with systematic instruction in academic, vocational, or technical subjects or a museum or historical society operated exclusively for the benefit and education of the public. For purposes of this subdivision, charitable organization shall mean an organization operated exclusively for the purpose of the mental, social, or physical benefit of the public or an indefinite number of persons; and

(d) Household goods and personal effects not owned or used for financial gain or profit to either the owner or user.

(2) The increased value of land by reason of shade and ornamental trees planted along the highway shall not be taken into account in the valuation of land.

(3) Tangible personal property which is not depreciable tangible personal property as defined in section 77-119 shall be exempt from property tax.

(4) Vehicles registered pursuant to section 60-305.09 and for which the registration fees prescribed in such section have been paid shall be exempt from payment of property taxes.

(5) Business and agricultural inventory shall be exempt from the personal property tax.

(6) Any personal property exempt pursuant to subsection (2) of section 77-4105 shall be exempt from the personal property tax.

(7) Livestock shall be exempt from the personal property tax.

Sec. 2. This act shall become operative on January 1, 1995.

Sec. 3. That original section 77-202, Revised Statutes Supplement, 1992, is repealed.".

2. On page 1, strike beginning with "sections" in line 1 through line 5 and insert "section 77-202, Revised Statutes Supplement, 1992; to exempt livestock from personal property taxation; to provide an operative date; and to repeal the original section.".

(Signed) Janis M. McKenzie, Chairperson

PROPOSED RULE CHANGES

Mr. Will asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Amend Rule 6, Section 3(b)
(b) Each section shall be open to amendment. The amendments, if any, recommended by standing committees, shall first be considered. The introducer's amendments, if any, shall ~~next~~ be considered following the consideration of the standing committee amendments and any amendments thereto, after which he or she may move to advance and explain the bill. Other amendments and motions permitted by these rules may then be offered and shall be considered after the introducer has explained the bill in the order in which they are filed with the Clerk, subject to the provisions of Rule 7, Section 3.

Referred to the Rules Committee.

Mr. Will asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Amend Rule 7, Section 2(d)

(d) Wherever the "ayes" and "nays" are taken by machine vote, no member shall be permitted to vote after the decision is announced by the presiding officer or the Clerk. Votes not registered on the electric roll call system shall not be counted for or against a proposition. In announcing such vote, the Clerk shall announce the ayes, the nays, those present and not voting, those absent and not voting, and those excused and not voting, and on any action to advance or amend bills, these totals shall be set forth in the Journal. Voice votes shall be accepted on roll call or record votes. All roll call votes of the comprised membership shall be taken in alphabetical order, except that a roll call vote shall be taken in reverse alphabetical order at the request of any member unless the introducer of the motion under consideration objects.

Referred to the Rules Committee.

Mr. Will asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Amend Rule 7, Section 3(e)
(e) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. Once a division is ordered by the presiding officer, each component shall be treated as a separate and distinct proposition. For purposes of germaneness, if a question is germane prior to a request for division, each and every other component or proposition of the divided question will likewise be germane to the bill or pending amendment. Once a vote to change has occurred on any of the divisible questions, the remaining divided sections may not be withdrawn without a majority of those voting or without unanimous consent. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert. Such call for division shall not be allowed when considering motions under Rule 6, Section 6.

Referred to the Rules Committee.

Mr. Will asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Amend Rule 7, Section 9.
Sec. 9. Motion to Adjourn. A motion to adjourn shall be in order, except:

a. While a member is speaking.
b. When a motion to adjourn or recess has just been defeated.
c. After the Final Reading of a bill and during roll call thereon.

A motion to adjourn to a time certain shall have precedence over a motion to adjourn. A motion to recess shall take precedence over either of such motions. A motion to adjourn or recess is never in order for dilatory purposes.

When a motion to adjourn or recess has been made, the Speaker shall be privileged to speak to the motion prior to any vote on such motion. A motion to adjourn or recess is not debatable.

A motion to adjourn or recess shall be adopted if approved by a majority of members voting.

Referred to the Rules Committee.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 76 in the Journal. No objections. So ordered.

AM3878

(Amendments to AM3852)

1. Strike amendments 1 and 3 through 7 and renumber the remaining amendment accordingly.

Messrs. Dierks and Chambers asked unanimous consent to print the following amendment to LB 1224 in the Journal. No objections. So ordered.

AM3954

1. On page 12, strike beginning with "or" in line 20 through "assistance" in line 21.

2. On page 14, strike beginning with the period in line 14 through "payment" in line 17 and insert "and shall ensure incremental benefit increases thereupon".

SELECT FILE

LEGISLATIVE BILL 991. Mrs. Pirsch moved to reconsider the Moore amendment, AM3966, to the Ashford et al. amendment.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Pirsch moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mrs. Pirsch requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 21:

Abboud	Byars	Hartnett	Monen	Rasmussen
Ashford	Chambers	Hudkins	Pedersen	Schimek
Avery	Crosby	Lindsay	Pirsch	Wesely
Beutler	Hall	Matzke	Preister	Will
Bohlke				

Voting in the negative, 19:

Bernard-Stevens	Day	Haberman	Moore	Vrtiska
	Dierks	Hillman	Robinson	Wehrbein
Coordsen	Elmer	Jones	Schellpeper	Wickersham
Cudaback	Fisher	Kristensen	Schmitt	Witek

Present and not voting, 4:

Bromm	Engel	Janssen	McKenzie

Excused and not voting, 5:

Landis	Lynch	Robak	Warner	Withem

The Pirsch motion to reconsider lost with 21 ayes, 19 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The Ashford et al. amendment, AM3920, as amended, was renewed.

The Ashford et al. amendment, as amended, lost with 8 ayes, 20 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Moore offered the following amendment:
AM3900

1. On page 77, strike line 3, show as stricken, and insert "SALARY LIMIT 36,807,883 38,423,004".

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bromm moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Moore amendment was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Mr. Cudaback offered the following amendment:
AM3916

1. On page 42, after line 5, insert:

"It is the intent of the Legislature that the department shall contract, as needed, for professional services to determine the level of assessed value compared to selling price by property classification for each school district in the state.".

Mr. Cudaback moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Cudaback requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Abboud	Cudaback	Hall	Landis	Robinson
Bohlke	Day	Hillman	Matzke	Schellpeper
Bromm	Elmer	Janssen	Pedersen	Schmitt
Byars	Haberman	Jones	Pirsch	Witek
Chambers				

Voting in the negative, 15:

Bernard-Stevens	Crosby	Kristensen	Monen	Wesely
Beutler	Engel	Lindsay	Moore	Wickersham
Coordsen	Hartnett	Lynch	Wehrbein	Will

Present and not voting, 9:

Ashford	Fisher	McKenzie	Rasmussen	Vrtiska
Avery	Hudkins	Preister	Schimek	

Excused and not voting, 4:

Dierks	Robak	Warner	Withem

The Cudaback amendment lost with 21 ayes, 15 nays, 9 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 354. Introduced by Wesely, 26; Abboud, 12; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Beutler, 28; Bohlke, 33; Bromm, 23; Byars, 30; Chambers, 11; Coordsen, 32; Crosby, 29; Cudaback, 36; Day, 19; Dierks, 40; Elmer, 38; Engel, 17;

Fisher, 35; Haberman, 44; Hall, 7; Hartnett, 45; Hillman, 48; Hudkins, 21; Janssen, 15; Jones, 43; Kristensen, 37; Landis, 46; Lindsay, 9; Lynch, 13; Matzke, 47; McKenzie, 34; Monen, 4; Moore, 24; Pedersen, 39; Pirsch, 10; Preister, 5; Rasmussen, 20; Robinson, 16; Schellpeper, 18; Schimek, 27; Schmitt, 41; Vrtiska, 1; Wehrbein, 2; Wickersham, 49; Will, 8; Witek, 31; Withem, 14.

WHEREAS, Betty Warner, wife of state Senator Jerome Warner, passed away on Monday, March 21, 1994; and

WHEREAS, Betty, as she was familiarly and respectfully known by the many people who knew and worked with her, had extensive experience in government on both the national and state levels, as well as in the field of journalism; and

WHEREAS, Betty served the State of Nebraska for many years as an accurate reporter for legislative events, as a skilled researcher for the Nebraska Legislature, and as an important contributor to the responsibilities of the Department of Roads; and

WHEREAS, despite her enduring health problems of the past several years, Betty was uncomplaining and on many occasions expressed her sincere concern and interest of others she knew who had similar ailments; and

WHEREAS, her contributions to the state and its government over the past twenty years are considerable and long-lasting; and

WHEREAS, Betty also excelled in her roles as mother, grandmother, wife, and as a close and loving member of her family; and

WHEREAS, Betty was a good friend and a fine lady and will be greatly missed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That we the colleagues of Senator Jerome Warner express our sincere condolences and regrets to him, his brother, and to Betty's children, grandchildren, father, brother, and sister for the loss they have suffered.

2. That it is realized that a legislative resolution will do little to compensate for this loss, but that it is hoped that the continuing love and respect for Betty, along with the passage of time, will aid in doing so.

3. That a copy of this legislative resolution be transmitted to Jerry, to Betty's children, to her surviving siblings, and to her father.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 944 in the Journal. No objections. So ordered.

AM3939

1. Strike original section 6 and insert the following new sections:

"Sec. 2. That section 49-1433, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1433. Lobbying shall mean the practice of promoting or opposing for another person, as defined in section 49-1438: (1) The ~~, the~~ introduction or enactment of legislation or resolutions before the Legislature or the committees or the members thereof; (2) ~~, and shall also include~~ the practice of promoting or opposing executive approval of legislation or resolutions; or (3) the practice of promoting or opposing any nonministerial administrative action of an official in the executive branch. Lobbying shall not include activities undertaken in conjunction with a contested case conducted pursuant to the Administrative Procedure Act.

Sec. 3. That section 49-1434, Revised Statutes Supplement, 1992, be amended to read as follows:

49-1434. (1) Principal shall mean a person who authorizes a lobbyist to lobby in behalf of that principal.

(2) Lobbyist shall mean a person who is authorized to lobby on behalf of a principal and shall include an officer, agent, attorney, or employee of the principal whose regular duties include lobbying.

(3) Principal or lobbyist shall not include:

(a) A public official or employee of a branch of state government, except the University of Nebraska, or an elected official of a political subdivision who is acting in the course or scope of his or her office or employment;

(b) Any publisher, owner, or working member of the press, radio, or television while disseminating news or editorial comment to the general public in the ordinary course of business;

(c) An employee of a principal or lobbyist whose duties are confined to typing, filing, and other types of clerical office work;

(d) Any person who limits his or her activities (i) to appearances before legislative committees and who so advises the committee at the time of his or her appearance whom he or she represents or that he or she appears at the invitation of a named member of the Legislature or at the direction of the Governor or (ii) to writing letters or furnishing written material to individual members of the Legislature or to the committees thereof who furnishes to the Clerk of the Legislature a copy of such letter or written material for public inspection;

(e) Any person who limits his or her activities (i) to appearances before an executive agency at a public hearing on a rule or regulation to be adopted, amended, or repealed by

the agency pursuant to the Administrative Procedure Act who advises the agency at the time of his or her appearance whom he or she represents or (ii) to writing letters or furnishing written material to an official in the executive branch which is made a part of the public record of such hearing;

(f) Any individual who does not engage in lobbying for another person as defined in section 49-1438; or

~~(f)~~ (g) An employee of a political subdivision whose regular employment duties do not ordinarily include lobbying activities as long as such employee is not additionally compensated for such lobbying activities, other than his or her regular salary, and is not reimbursed for any lobbying expenditures except his or her travel, lodging, and meal expenses and the meal expenses for members of the Legislature.

Sec. 6. That section 49-1481, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1481. On the fourth legislative day of each session the clerk shall insert in the Legislative Journal a list of the names of all lobbyists engaged in lobbying pursuant to subdivisions (1) and (2) of section 49-1433 whose registration is then in effect, the name of the principal in whose behalf the lobbyist is registered, and any additional information as directed by the Legislature. On ~~, and thereafter on~~ the last legislative day of each week the clerk shall cause to be inserted in the Legislative Journal the names of any additional lobbyists engaged in lobbying pursuant to such subdivisions ~~and principals~~ who have registered or who have changed their registration and the principals on whose behalf the lobbyist is registered.

Sec. 8. That section 49-1488, Revised Statutes Supplement, 1992, be amended to read as follows:

49-1488. Within forty-five days of the completion of every regular session of the Legislature, each registered lobbyist shall submit to the Clerk of the Legislature a statement listing the legislation upon which the lobbyist acted, including identification by number of any bill or resolution and the position taken by the lobbyist.

Within forty-five days after the completion of each calendar quarter, each registered lobbyist shall submit to the Clerk of the Legislature a statement listing any nonministerial administrative action of an official in the executive branch upon which the lobbyist acted, including identification of the agency, a description of the action, the position taken by the lobbyist, and the principal on whose behalf the lobbyist was acting. The statement shall not include activities undertaken in conjunction with a contested case conducted pursuant to the Administrative Procedure Act.

If a lobbyist does not expect to receive lobbying receipts from or does not expect to make lobbying expenditures

for a principal, the monthly statement and a statement for each interim period required pursuant to section 49-1483 as to such principal need not be filed by the lobbyist if the principal and lobbyist both certify such facts in writing to the Clerk of the Legislature. A lobbyist exempt from filing a monthly statement and a statement for each interim period, pursuant to this section, shall (1) file a statement of activity pursuant to this section and (2) resume or commence filing a monthly and an interim statement with regard to such principal starting with the month or period the lobbyist receives lobbying receipts or makes lobbying expenditures for such principal.

If a principal does not expect to receive lobbying receipts or does not expect to make lobbying expenditures, the monthly statement and a statement for each interim period required pursuant to section 49-1483 need not be filed by the principal if the principal and lobbyist both certify such facts in writing to the Clerk of the Legislature. A principal exempt from filing a monthly statement and a statement for each interim period, pursuant to this section, shall commence or resume filing a monthly and an interim statement starting with the month or period the principal receives lobbying receipts or makes lobbying expenditures.

Sec. 10. That original sections 49-1433 and 49-1481, Reissue Revised Statutes of Nebraska, 1943, sections 49-1401, 49-1434, 49-1483, 49-1488, and 49-1490, Revised Statutes Supplement, 1992, and section 49-1469, Revised Statutes Supplement, 1993, are repealed.".

2. On page 2, line 3, strike "section 3" and insert "section 5".

3. On page 6, line 4, after "(1)" insert "An allocation between the executive branch and legislative branch lobbying activities;

(2)"; in line 12 after "legislative" insert "or administrative"; in line 13 strike "(2)" and insert "(3)"; and in line 23 strike "(3)" and insert "(4)".

4. Renumber the remaining sections accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 944 in the Journal. No objections. So ordered.

AM3692

1. Insert the following new section:

"Sec. 6. There is hereby created the Nebraska Ethics in Government Study Committee consisting of twelve members appointed by the Governor no later than August 1, 1994. The membership of the committee shall consist of four persons from each congressional district, with equal representation from each of the two major political parties in

the state. Members of the committee shall not be current officeholders.

The committee shall conduct an indepth examination of ethical questions and problems faced by all levels of government in Nebraska, including, but not limited to, lobbying, conflicts of interest, campaign contributions, campaign financing, gifts, travel, salaries, outside employment, nepotism, and financial disclosure.

The committee shall compile a report detailing its findings and recommendations and shall present such report to the Legislature no later than January 1, 1995.".

2. Renumber the remaining section accordingly.

SELECT FILE

LEGISLATIVE BILL 991. Mr. Wickersham offered the following amendment:

AM3928

1. Insert the following new section:

"Sec. 14. AGENCY NO. 78 -- NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

Program No. 198 - Central Administration

	FY1993-94	FY1994-95
GENERAL FUND	-0-	50,000
PROGRAM TOTAL	-0-	50,000

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

It is the intent of the Legislature that the funds appropriated in this section shall be used to establish a law enforcement mini-grant program.".

2. Renumber the remaining sections accordingly.

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

The Wickersham amendment lost with 11 ayes, 14 nays, 21 present and not voting, and 3 excused and not voting.

Messrs. Ashford, Abboud, and Wesely offered the following amendment:

FA458

Insert the following new section:

"Agency No. 51--University of Nebraska

Program No. 781-Central Administration-Systemwide

It is the intent of the Legislature that $200,000 of the General Fund allocation to the University of Nebraska Central Administration for FY1994-95 shall to allocated to enhance the current instructional

programs offered by the College of Engineering at the University of Nebraska at Omaha delivery site."

The Ashford et al. amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mrs. Crosby offered the following amendment:
AM3925

1. On page 28, strike line 28, show as stricken, and insert "CASH FUND 699,376 739,376".

2. On page 29, strike line 3 and all amendments thereto and insert "PROGRAM TOTAL 24,029,203 24,271,911"; strike line 4, show as stricken, and insert "SALARY LIMIT 17,528,021 18,115,027"; and after line 24 insert:

"There is included in the appropriation to this program for FY1994-95 $40,000 Cash Funds for an additional juvenile probation officer and associated expenses to provide electronic monitoring services for nonadjudicated juveniles in Lancaster County.".

The Crosby amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Wesely renewed his pending amendment, AM3937, found in the Journal on page 1319.

MRS. CROSBY PRESIDING

Mr. Wesely withdrew his amendment.

Mr. Wesely offered the following amendment:
AM3969

(Amendments to Standing Committee amendments, AM3400)

1. On page 28, line 25, strike "and"; and in line 27 after "rates" insert "; and (4) the employer is engaged in a basic industry or business. For each project applying for funds from the Job Training Cash Fund the Department of Economic Development shall perform a fiscal rate-of-return analysis".

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Mr. Fisher moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Wesely withdrew his amendment.

Mr. Hall offered the following amendment:
AM3943

1. On page 40, line 5, strike "120,407,876" and insert "120,457,876"; and in line 20 strike "$162,525", show as stricken, and insert "$212,525".

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hall amendment was adopted with 29 ayes, 3 nays, 12 present and not voting, and 5 excused and not voting.

Messrs. Lindsay, Chambers, Hall, Abboud, Fisher, Pedersen, Mmes. Robak, and Hudkins offered the following amendment:
AM3953

(Amendments to Standing Committee amendments, AM3400)

1. On page 21, line 5, strike "23,367,642" and insert "23,967,642"; and in line 7 strike "24,231,911" and insert "24,831,911" and before the period insert "; strike line 4, show as stricken, and insert 'SALARY LIMIT 17,528,021 18,694,027'; and after line 24 insert

'There is included in the appropriation to this program for FY1994-95 $600,000 General Funds to be used to equalize the salaries of probation employees so that probation employees are compensated with salaries substantially equal to other state employees who have similar responsibilities, which shall only be used for such purpose.' ".

MR. WILL PRESIDING

Mr. Bernard-Stevens offered the following amendment to the Lindsay et al. pending amendment:
FA459

Amend AM3953:
On line 2 strike "23,967,642" and insert "23,788,170"
On line 3 strike "24,831,911 and insert "24,652,439"
On line 5 strike "18,694,027" and insert "18,525,000"
On line 7, strike "600,000" and insert "420,528"

Ms. Schimek, Messrs. Beutler, Landis, and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

MR. HALL PRESIDING

The Bernard-Stevens amendment lost with 14 ayes, 14 nays, 13 present and not voting, and 8 excused and not voting.

The Lindsay et al. amendment was adopted with 26 ayes, 3 nays, 12 present and not voting, and 8 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 817 in the Journal. No objections. So ordered.

(Amendment, AM3975, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Wesely asked unanimous consent to print the following amendment to LB 991 in the Journal. No objections. So ordered.

AM3971

1. On page 114, strike line 8 and insert "GENERAL FUND 723,289 734,304"; and strike line 10 and insert "PROGRAM TOTAL 723,289 734,304".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 647, 908, 941, 957, 1002, 1074, 1074A, 1083, 1107, 1127, 1139, 1153, 1183, 1243, 1275, 1287, 1287A, 1306, 1306A, and 1311.

Enrollment and Review Change to LB 647

The following changes, required to be reported for publication in the Journal, have been made:

ER7441

1. On page 1, line 4, "to appropriate funds;" has been inserted after the semicolon.

Enrollment and Review Change to LB 941

The following changes, required to be reported for publication in the Journal, have been made:

ER7440

1. In lieu of the Bromm/Chambers amendment, FA451:

a. On page 2, line 28, the matter beginning with "the" through "Authority" has been struck and shown as stricken; and

b. On page 3, line 1, "Act or" has been struck and shown as stricken; and in lines 12, 15, and 19 and 20 "the act or" has been struck and shown as stricken.

2. On page 1, line 1, "section 66-1004" has been struck and "sections 66-1004 and 66-1008" inserted.

Enrollment and Review Change to LB 957

The following changes, required to be reported for publication in the Journal, have been made:
ER7442

1. On page 1, line 1, "section" has been struck and "sections 1-111 and" inserted; in line 3 "and" has been struck and "and 1-148," has been inserted after the second comma; and in line 9 "to provide for the imposition and disposition of certain costs and civil penalties;" has been inserted after the first semicolon.

Enrollment and Review Change to LB 1002

The following changes, required to be reported for publication in the Journal, have been made:
ER7446

1. In the Standing Committee amendment, AM3224:

a. On page 1, line 23, "Regulatory" has been struck and "Regulation" inserted; and

b. On page 5, line 9, "or" has been struck and a comma inserted; and in line 10 "for" has been struck.

Enrollment and Review Change to LB 1107

The following changes, required to be reported for publication in the Journal, have been made:
ER7450

1. On page 1, line 12, ", registration and licensure of real estate appraisers, and reciprocity" has been inserted after "board"; and in line 13 "and provisions on transitional licenses" has been inserted after "definitions".

2. On page 11, line 20, "real estate" has been inserted after "residential".

3. On page 19, line 11, the second comma has been struck and shown as stricken.

4. On page 26, line 19, "the" has been inserted after "to"; and in line 28 "Appraisal" has been inserted after "Professional".

5. On page 28, line 24, "the" has been inserted after "to".

6. On page 33, line 21; page 34, line 17; page 35, line 9; and page 36, line 6, "requirement" has been struck and "requirements" inserted.

7. On page 36, line 23, "real estate appraiser" has been inserted after "residential".

8. On page 44, line 8, "and" has been struck.

9. On page 45, line 9, "act" has been struck, shown as stricken, and "Real Estate Appraiser Act" inserted.

Enrollment and Review Change to LB 1139

The following changes, required to be reported for publication in the Journal, have been made:

ER7449

1. In the E & R amendment, AM5685:

a. On page 28, line 7, "lot or" has been inserted after "the";

b. The following new sections have been inserted:

"Sec. 38. That section 81-15,148, Revised Statutes Supplement, 1992, be amended to read as follows:

81-15,148. The Legislature finds that the construction, rehabilitation, operation, and maintenance of modern and efficient sewer systems and wastewater treatment works are essential to protecting and improving the state's water quality, that protecting water quality is an issue of concern to all citizens of the state, that in addition to protecting and improving the state's water quality, adequate wastewater treatment works are essential to economic growth and development, and that the amount of needed assistance which may be provided to municipalities or counties for wastewater treatment purposes can be increased and needed projects can be undertaken more expeditiously through the issuance of revenue bonds and the deposit of the proceeds thereof into the Wastewater Treatment Facilities Construction Loan Fund.

The Legislature finds and determines that the issuance of revenue bonds for the purpose of financing the fund serves a public purpose by assisting municipalities or counties in providing and improving wastewater treatment facilities and thereby providing clean water to the citizens of the state, promoting the health and well-being of the citizens, and assisting in the economic growth and development of the state and its political subdivisions. The full faith and credit and the taxing power of the state are not pledged to the payment of such bonds or the interest thereon.

Sec. 43. That section 81-15,154, Revised Statutes Supplement, 1992, be amended to read as follows:

81-15,154. Categories of loan eligibility shall include: Secondary or tertiary treatment and appurtenances; infiltration and inflow correction; major sewer system rehabilitation; new collector sewers and appurtenances; new intercepters and appurtenances; land integral to the treatment process; and correction of combined sewer overflows. Loans shall be made only for eligible items within such categories. For loans made entirely from state funds, eligible items shall include, but not be limited to, the costs of engineering services and contracted construction. Eligible items shall not include the costs of water rights, land, easements, and rights-of-way, legal costs, fiscal agent's fees, operation and maintenance costs, and municipal or county administrative costs. For loans made in whole or in part from federal funds, eligible items shall be those identified pursuant to the Clean Water Act."; and

c. On page 39, line 20, "81-15,148," has been inserted after "sections"; and in line 21 "81-15,154," has been inserted after the second comma; and

d. The remaining sections have been renumbered accordingly.

2. On page 1, line 1, "81-15,148," has been inserted after "sections"; and in line 2 "81-15,154," has been inserted after the second comma.

Enrollment and Review Change to LB 1243

The following changes, required to be reported for publication in the Journal, have been made:
ER7445

1. In the Moore amendment, AM3847:

a. Section 18 has been renumbered as section 19;

b. On page 1, line 5, "and 6" has been struck and ", 6, and 17" inserted;

c. On page 3, line 26, "a" has been inserted after the third comma;

d. On page 4, line 22, "(4)" has been inserted before "If";

e. On page 5, line 5, "(4)" has been struck and "(5)" inserted; and in line 14 an underscored comma has been inserted after "shall";

f. On page 6, line 21, "clerk" has been struck, shown as stricken, and "Clerk of the Legislature" inserted; and

g. On page 7, line 13, the commas have been struck.

2. On page 1, the matter beginning with "the" in line 1 through line 9 has been struck and "state government; to amend sections 49-1482, 49-1484, 49-1486, and 49-14,101, Reissue Revised Statutes of Nebraska, 1943, sections 49-1401, 49-1483, 49-1483.02, 49-1485, 49-1488, 49-1488.01, 49-14,123, and 49-14,140, Revised Statutes Supplement, 1992, and section 50-401.01, Revised Statutes Supplement, 1993; to authorize the Executive Board of the Legislative Council to allow members of the Legislature to privately install and use certain communication equipment as prescribed; to provide and change fees for registration of lobbyists; to provide and change reporting requirements for lobbyists and principals under the Nebraska Political Accountability and Disclosure Act; to change the registration period; to change duties of the Clerk of the Legislature; to provide for and change the distribution of certain funds; to create a fund; to provide additional powers for the Executive Board with respect to actuarial services; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency." inserted.

Enrollment and Review Change to LB 1275

The following changes, required to be reported for publication in the Journal, have been made:
ER7443

1. In the Beutler amendment, AM3779:

a. On page 5, line 18, the comma has been struck;

b. On page 6, line 3, "7" has been struck and "9" inserted;

c. Sections 6 and 7 have been renumbered as sections 8 and 9 respectively; and

d. Section 10 has been struck.

2. In the Withem amendment, AM3615:

a. On page 1, line 8, an underscored comma has been inserted after "shall"; in line 10 an underscored comma has been inserted after "recording"; and in line 19 "memorandum of contract, or land contract," has been inserted after the first comma; and

b. Sections 1 and 2 have been renumbered as sections 6 and 7 respectively.

3. In the Crosby-Hartnett amendment, AM4015:

a. On page 2, line 9, an underscored comma has been inserted after "receipt"; and

b. Section 3 has been renumbered as section 12.

4. In the E & R amendment, AM5676:

a. On page 2, line 18, the commas have been struck;

b. Section 3 and all amendments thereto have been struck and the following new section inserted:

"Sec. 13. That original sections 76-214, 76-215, 76-1018, and 84-712.01, Reissue Revised Statutes of Nebraska, 1943, and sections 45-711, 77-1311, and 77-1327, Revised Statutes Supplement, 1992, and also sections 76-255 and 76-1014, Reissue Revised Statutes of Nebraska, 1943, are repealed."; and

c. Sections 1 and 2 have been renumbered as sections 10 and 11 respectively.

5. On page 1, the matter beginning with "revenue" in line 1 through line 4 and all amendments thereto have been struck and "transactions and records; to amend sections 76-214, 76-215, 76-1018, and 84-712.01, Reissue Revised Statutes of Nebraska, 1943, and sections 45-711, 77-1311, and 77-1327, Revised Statutes Supplement, 1992; to define terms; to provide requirements for real estate closing agents; to provide powers and duties for the Attorney General, the Tax Commissioner, county attorneys, registers of deeds, county assessors, and regulating entities; to provide a penalty; to change duties relating to mortgage bankers; to provide duties and liability for mortgagees, trustees, and beneficiaries; to authorize civil actions and attorney's fees and costs; to provide filing duties for purchasers of real property as prescribed by the Tax Commissioner; to state intent; to authorize alternative means to access public records; to eliminate provisions relating to satisfaction of obligations on real estate; to harmonize provisions; and to repeal the original sections, and also sections 76-255 and 76-1014, Reissue Revised Statutes of Nebraska, 1943." inserted.

Enrollment and Review Change to LB 1306A

The following changes, required to be reported for publication in the Journal, have been made:

ER7447

1. On page 2, line 1, "(1)" has been struck.

Enrollment and Review Change to LB 1311

The following changes, required to be reported for publication in the Journal, have been made:
ER7448
1. In the E & R amendment, AM5690, on page 5, line 1, "(6)" has been inserted before "No".

(Signed) Janis M. McKenzie, Chairperson

VISITORS

Visitors to the Chamber were 25 ninth grade students and sponsor from Dawes Middle School, Lincoln.

The Doctor of the Day was Jo Witter from Lincoln.

ADJOURNMENT

At 7:32 p.m., on a motion by Mr. Will, the Legislature adjourned until 9:00 a.m., Thursday, March 24, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-SIXTH DAY - MARCH 24, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 24, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Fred Tedder, Church of the Nazarene, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Warner who was excused; and Messrs. Abboud, Bernard-Stevens, Bromm, Dierks, Haberman, Hall, Jones, Landis, Lindsay, Moore, Pedersen, Schellpeper, Wehrbein, Wesely, Will, Mmes. Rasmussen, Robak, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1351, line 30, strike "Tuesday" and insert "Friday".
The Journal for the forty-fifth day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 408. Placed on Select File as amended.
E & R amendment to LB 408:
AM5715

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 81-520.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-520.01. (1) There shall be a statewide open burning ban on all bonfires, outdoor rubbish fires, and fires

for the purpose of clearing land.

(2) The fire chief of a local fire department or his or her designee may waive an open burning ban under subsection (1) of this section for an area under his or her jurisdiction by issuing an open burning permit to a person requesting permission to conduct open burning. The permit issued by the fire chief or his or her designee to a person desiring to conduct open burning shall be in writing, signed by the fire chief or his or her designee, and on a form prescribed by the State Fire Marshal. The State Fire Marshal shall provide local fire departments with such forms.

(3) The fire chief of a local fire department or his or her designee may waive the open burning ban in his or her ~~district~~ jurisdiction when conditions are acceptable to the chief or his or her designee. Anyone burning in such ~~district~~ jurisdiction when the open burning ban has been waived ~~must~~ shall notify the fire department of his or her intention to burn.

(4) The fire chief of a local fire department may adopt and promulgate rules and regulations listing the conditions acceptable for issuing a permit to conduct open burning under subsection (2) of this section.

(5) The local fire department may charge a fee, not to exceed ten dollars, for each such permit issued. This fee shall be remitted to the governing body for inclusion in the general funds allocated to the fire department. Such funds shall not reduce the tax requirements for the fire department. No such fee shall be collected from any state or political subdivision to which such a permit is issued to conduct open burning under subsection (2) of this section in the course of such state or political subdivision's official duties.

Sec. 2. That section 81-520.02, Revised Statutes Supplement, 1992, be amended to read as follows:

81-520.02. Any person violating the statewide open burning ban established by section 81-520.01 or violating sections 3 to 5 of this act shall be guilty of a Class ~~V~~ IV misdemeanor.

Sec. 3. For purposes of sections 4 and 5 of this act, range-management burning shall mean the controlled application of fire to existing vegetative matter on land utilized for grazing.

Sec. 4. The fire chief of a local fire department or his or her designee may waive an open burning ban under subsection (1) of section 81-520.01 by issuing a permit for range-management burning only if the range-management burning is to be conducted in accordance with section 5 of this act.

Sec. 5. (1) A landowner, tenant, or other landowner's agent of the land where range-management burning is proposed shall file an application for a permit and a plan

for conducting such burning. The plan shall include:

(a) The name of the landowner of the land on which range-management burning is to occur;

(b) The name of the person who will supervise the range-management burning if such person is different than the landowner;

(c) The land-management objective to be accomplished;

(d) A map showing the areas to be burned, including natural and manmade firebreaks;

(e) Procedures to be used to confine the fire in boundary areas without preexisting firebreaks;

(f) A list of equipment that will be on hand;

(g) The types and conditions of the vegetative matter to be burned on the land and in adjacent areas;

(h) Identification of roads and habitations that may be affected by smoke;

(i) A description of weather conditions believed to be required to safely and successfully conduct the range-management burning, including wind speed and direction, temperature, and relative humidity; and

(j) Such other information as may be prescribed by the fire chief of a local fire department.

(2) The fire chief of a local fire department or his or her designee shall evaluate each plan to determine its compliance with subsection (1) of this section. If a plan fails to comply with all provisions of such subsection, a permit for range-management burning shall not be issued.

(3) The fire chief of a local fire department or his or her designee shall issue a permit for range-management burning if (a) the plan complies with subsection (1) of this section and (b) the fire chief or his or her designee determines that range-management burning conducted in accordance with the plan would be conducted with due regard for the safety of people and property outside the burning areas. No permit shall be valid for more than thirty days.

Sec. 6. That original section 81-520.01, Reissue Revised Statutes of Nebraska, 1943, and section 81-520.02, Revised Statutes Supplement, 1992, are repealed.".

2. On page 1, line 4, after the semicolon insert "to define a term;"; and in line 5 after the first semicolon insert "to provide for range-management burning by permit as prescribed;".

LEGISLATIVE BILL 1088. Placed on Select File.
LEGISLATIVE BILL 906. Placed on Select File.

LEGISLATIVE BILL 1049. Placed on Select File as amended.
E & R amendment to LB 1049:

AM5716

1. On page 1, line 3, after the semicolon insert "to change provisions relating to a finders' fee; to delete obsolete provisions;".

LEGISLATIVE BILL 1035. Placed on Select File as amended.
E & R amendment to LB 1035:
AM5718

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 28-101, Revised Statutes Supplement, 1992, be amended to read as follows:

28-101. Sections 28-101 to 28-1348 and section 3 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 2. That section 28-710, Revised Statutes Supplement, 1992, be amended to read as follows:

28-710. For purposes of sections 28-710 to 28-727 and section 3 of this act, unless the context otherwise requires:

(1) Department shall mean the Department of Social Services;

(2) Law enforcement agency shall mean the police department or town marshal in incorporated municipalities, the office of the sheriff in unincorporated areas, and the Nebraska State Patrol; and

(3) Abuse or neglect shall mean knowingly, intentionally, or negligently causing or permitting a minor child to be:

(a) Placed in a situation that endangers his or her life or physical or mental health;

(b) ~~cruelly~~ Cruelly confined or cruelly punished;

(c) ~~deprived~~ Deprived of necessary food, clothing, shelter, or care;

(d) ~~left~~ Left unattended in a motor vehicle if such minor child is six years of age or younger;

(e) ~~sexually~~ Sexually abused; or

(f) ~~sexually~~ Sexually exploited by allowing, encouraging, or forcing such person to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions.

Sec. 3. Upon completion of the investigation pursuant to section 28-713, the subject of the report shall be given written notice of the determination of the case and whether he or she will be entered into the central register pursuant to subdivision (1), (2), or (3) of section 28-720. Such notice shall be sent by certified mail to the subject's last-known address and shall include:

(1) The nature of the report;

(2) The classification of the report; and

(3) Notification of the subject's right to a hearing and appeal in accordance with section 28-723.

Sec. 4. That section 28-714, Revised Statutes Supplement, 1993, be amended to read as follows:

28-714. The privileged communication between patient and physician, between client and professional counselor, and between husband and wife shall not be a ground for excluding evidence in any judicial proceeding resulting from a report pursuant to sections 28-710 to 28-717 and section 3 of this act.

Sec. 5. That section 28-716, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-716. Any person participating in an investigation or the making of a report pursuant to the provisions of sections 28-710 to 28-717 and section 3 of this act or participating in a judicial proceeding resulting therefrom shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed, except for maliciously false statements.

Sec. 6. That section 28-717, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-717. Any person who willfully fails to make any report required by the provisions of sections 28-710 to 28-717 and section 3 of this act, or knowingly releases confidential information other than as provided by sections 28-710 to 28-717 and section 3 of this act, shall be guilty of a Class III misdemeanor.

Sec. 7. That section 28-726, Revised Statutes Supplement, 1992, be amended to read as follows:

28-726. Except as provided in this section and section 28-722, no person, official, or agency shall have access to such records unless in furtherance of purposes directly connected with the administration of sections 28-710 to 28-727 and section 3 of this act. Such persons, officials, and agencies having access to such records shall include, but not be limited to:

(1) A law enforcement agency investigating a report of known or suspected abuse or neglect;

(2) A county attorney in preparation of an abuse, neglect, or termination petition;

(3) A physician who has before him or her a child whom he or she reasonably suspects may be abused or neglected;

(4) An agency having the legal responsibility or authorization to care for, treat, or supervise an abused or neglected child or a parent, a guardian, or other person responsible for the abused or neglected child's welfare who is the subject of a report;

(5) Any person engaged in bona fide research or

auditing. No information identifying the subjects of the report shall be made available to the researcher or auditor;

(6) The State Foster Care Review Board when the records relate to a child in a foster care placement as defined in section 43-1301. The records provided to the state board shall not include the name or identity of any person making a report of suspected child abuse or neglect; and

(7) The designated protection and advocacy system authorized pursuant to the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. 6000, as amended, and the Protection and Advocacy for Mentally Ill Individuals Act, 42 U.S.C. 10801, as amended, acting upon a complaint received from or on behalf of a person with developmental disabilities or mental illness.

Sec. 8. That original sections 28-716 and 28-717, Reissue Revised Statutes of Nebraska, 1943, sections 28-101, 28-710, and 28-726, Revised Statutes Supplement, 1992, and section 28-714, Revised Statutes Supplement, 1993, are repealed.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, strike beginning with "section" in line 1 through line 8 and insert "sections 28-716 and 28-717, Reissue Revised Statutes of Nebraska, 1943, sections 28-101, 28-710, and 28-726, Revised Statutes Supplement, 1992, and section 28-714, Revised Statutes Supplement, 1993; to require notice of the determination and results of cases relating to abused and neglected children; to harmonize provisions; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 1035A. Placed on Select File.

(Signed) Janis M. McKenzie, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 355. Introduced by McKenzie, 34.

WHEREAS, Rolland H. Kreutz served in the Nebraska Legislature in 1951; and

WHEREAS, Rolland H. Kreutz had a long and distinguished history of service to his community, state, and country; and

WHEREAS, Rolland H. Kreutz died on March 16, 1994; and

WHEREAS, the State of Nebraska benefits greatly and appreciates dedicated public servants like Rolland H. Kreutz.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature honors the achievements and public service that Rolland H. Kreutz gave to his community and Nebraska.

2. That the Legislature send its sympathy to the family of Rolland H. Kreutz.

3. That a copy of this resolution be sent to the family of Rolland H. Kreutz.

Laid over.

LEGISLATIVE RESOLUTION 356. Introduced by Pirsch, 10.

WHEREAS, Omaha Northwest High School has a staff of professional teachers, support staff, and administrators dedicated to achieving academic excellence; and

WHEREAS, Omaha Northwest High School students and parents are likewise committed to working in partnership with the professional staff of the school to achieve academic excellence; and

WHEREAS, Omaha Northwest High School has recently won national recognition in Redbook magazine for its overall excellence as a result of involved parents, committed teachers, and strong academics.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and congratulates Principal Frank Bell and all of the individuals that comprise the Omaha Northwest High School family for the national recognition that they have earned.

2. That a copy of this resolution be presented to Principal Frank Bell, Omaha Northwest High School.

Laid over.

LEGISLATIVE RESOLUTION 357. Introduced by Landis, 46; Abboud, 12.

PURPOSE: The purpose of this resolution is to study whether Nebraska should join and participate in a compact of states to enhance the existing state system for resolution of insurance companies in hazardous financial condition and for paying claims and winding up the affairs of insolvent insurance companies

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 358. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to consider updating and rewriting Nebraska law regarding credit life insurance and credit health and accident insurance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 359. Introduced by Landis, 46; Kristensen, 37.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact the Model Business Corporation Act as drafted by the Business Law Section of the American Bar Association in place of the current Nebraska Business Corporation Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 360. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact the updated version of the Uniform Partnership Act in place of current law which was enacted in 1943 and which was based on the 1914 version of the Uniform Partnership Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 361. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact revisions in its version of the Nebraska Uniform Limited Partnership Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 362. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact revisions in Article 8 (investment securities) of the Uniform Commercial Code.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 363. Introduced by Landis, 46; Lynch, 13.

PURPOSE: The purpose of this resolution is to study whether Nebraska should provide for increased regulation of mortgage loan servicing.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 364. Introduced by Robak, 22.

WHEREAS, Senior Katherine Hegemann of Columbus Scotus Central Catholic Junior-Senior High School was one of two Nebraska students to win the High School Amateur Athletic Union-Mars Milky Way All-American Award; and

WHEREAS, Ms. Hegemann was one of ten thousand entrants nationwide; and

WHEREAS, the award was based on academic, athletic, and community service achievements; and

WHEREAS, Ms. Hegemann maintains a 4.0 grade point average, has lettered in four varsity sports, and co-founded the Scotus Youth Against Drugs and Alcohol.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Katherine Hegemann on receiving the High School Amateur Athletic Union-Mars Milky Way All-American Award.

2. That a copy of this resolution be sent to Katherine Hegemann.

Laid over.

MESSAGE FROM THE GOVERNOR

March 23, 1994

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that I have received a letter of resignation from Glen Stewart, a member of the Nebraska Ethanol Board. Please withdraw his name from consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: 344, 345, and 348.

MOTION - Approve Appointments

Mr. Beutler moved the adoption of the report of the Natural Resources Committee for the following Governor appointments found in the Journal on page 1325: Rick A. Morehouse and Raymond J. Hajek - Nebraska Power Review Board.

Voting in the affirmative, 27:

Ashford	Coordsen	Fisher	Lynch	Schmitt
Avery	Crosby	Hartnett	Matzke	Vrtiska
Beutler	Cudaback	Hillman	McKenzie	Wickersham
Bohlke	Day	Hudkins	Pirsch	Witek
Byars	Elmer	Janssen	Preister	Withem
Chambers	Engel			

Voting in the negative, 0.

Present and not voting, 3:

Kristensen	Monen	Robinson

Excused and not voting, 19:

Abboud	Dierks	Landis	Rasmussen	Warner
Bernard-Stevens	Haberman	Lindsay	Robak	Wehrbein
Bromm	Hall	Moore	Schellpeper	Wesely
	Jones	Pedersen	Schimek	Will

These appointments were confirmed with 27 ayes, 0 nays, 3 present and not voting, and 19 excused and not voting.

Mr. Vrtiska moved the adoption of the report of the Business and Labor Committee for the following Governor appointment found in the Journal on page 1353: John P. Hillebrandt - Boiler Safety Code Advisory Board.

Voting in the affirmative, 25:

Ashford	Crosby	Hudkins	Monen	Schmitt
Avery	Day	Janssen	Pirsch	Vrtiska
Byars	Fisher	Lynch	Preister	Wickersham
Chambers	Hartnett	Matzke	Robinson	Witek
Coordsen	Hillman	McKenzie	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 6:

Beutler	Cudaback	Elmer	Engel	Kristensen
Bohlke				

Excused and not voting, 18:

Abboud	Dierks	Landis	Rasmussen	Wehrbein
Bernard-Stevens	Haberman	Lindsay	Robak	Wesely
	Hall	Moore	Schimek	Will
Bromm	Jones	Pedersen	Warner	

The appointment was confirmed with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 446A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 903A. Title read. Considered.

Mrs. Crosby offered the following amendment:
AM3985

1. Insert the following new section:

"Sec. 2. There is hereby appropriated (1) $158,921 from the General Fund for FY1994-95 and (2) $310,319 from the General Fund for FY1995-96 to the Supreme Court, for Program 7, to aid in carrying out the provisions of Legislative Bill 903, Ninety-third Legislature, Second Session, 1994.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $139,107 for FY1994-95 or $271,626 for FY1995-96.".

2. On page 1, line 1, strike "$177,363" and insert "$255,051"; in line 2 strike "$177,363" and insert "$412,755"; and in line 8 strike the first "$163,091" and insert "$234,525" and strike the second $163,091" and insert

"$379,535".

3. Renumber the remaining section accordingly.

Mrs. Crosby moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mrs. Crosby requested a roll call vote on her amendment.

Mr. Cudaback requested the roll call vote be taken in reverse order.

Voting in the affirmative, 25:

Ashford	Chambers	Engel	Matzke	Vrtiska
Avery	Crosby	Hartnett	McKenzie	Wehrbein
Bernard-Stevens	Day	Hillman	Monen	Wesely
Bohlke	Dierks	Hudkins	Pedersen	Wickersham
Byars	Elmer	Kristensen	Preister	Withem

Voting in the negative, 13:

Beutler	Fisher	Jones	Robinson	Schmitt
Coordsen	Haberman	Moore	Schellpeper	Witek
Cudaback	Janssen	Pirsch		

Present and not voting, 1:

Lynch

Excused and not voting, 10:

Abboud	Hall	Lindsay	Robak	Warner
Bromm	Landis	Rasmussen	Schimek	Will

The Crosby amendment was adopted with 25 ayes, 13 nays, 1 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1136. Title read. Considered.

Standing Committee amendment, AM3593, found in the Journal on page 1068, was considered.

Mrs. Rasmussen offered the following amendment to the Standing Committee amendment:

FA460

Amend Standing Committee amendment

1. On Pg. 2, line 18, after "members" insert a period. Delete "as" through "member." on page 3, line 2 and insert "At least one third of the membership (5) shall be persons with developmental disabilities; at least one third of the membership (5) shall be families of persons with developmental disabilities and no more than one third of the membership shall be elected officials or interested community persons.

The Rasmussen amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Byars offered the following amendment:

AM3729

1. On page 2, line 3, strike "is" and insert "are";
and after the period in line 22 insert "Of the funds appropriated pursuant to this section, sixty-two percent shall be used to bring services to persons who are presently waiting for services and thirty-eight percent shall be used for pay equity.".

The Byars amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Byars renewed his pending amendment, AM3796, found in the Journal on page 1253.

The Byars amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Hall offered the following amendment:

FA461

Amend the Byars amendment, AM3796 by inserting a period after "FY1994-95" on line 7, and then striking the language in the rest of line 7 through the end of line 9.

MRS. CROSBY PRESIDING

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Hall moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The Hall amendment was adopted with 33 ayes, 5 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 37:

Ashford	Day	Janssen	McKenzie	Schellpeper
Bohlke	Dierks	Jones	Monen	Schimek
Bromm	Elmer	Kristensen	Pedersen	Schmitt
Byars	Engel	Landis	Preister	Wehrbein
Chambers	Haberman	Lindsay	Rasmussen	Wesely
Coordsen	Hall	Lynch	Robak	Wickersham
Crosby	Hartnett	Matzke	Robinson	Will
Cudaback	Hudkins			

Voting in the negative, 5:

Avery	Bernard-Stevens	Moore	Pirsch	Witek

Present and not voting, 5:

Abboud	Beutler	Fisher	Vrtiska	Withem

Excused and not voting, 2:

Hillman	Warner

Advanced to E & R for review with 37 ayes, 5 nays, 5 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1136A. Title read. Considered.

Mr. Byars renewed his pending amendment, AM3794, found in the Journal on page 1254.

Mr. Byars withdrew his amendment.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Messrs. Byars and Hall offered the following amendment:
FA462

On page 2 line 1 strike "112,000" and insert "396,000"; in line 2 strike "37,000" and insert "138,500"; in line 3 strike "167,000" and insert "396,000" and strike "60,000" and insert "138,500"; in line 9 strike "101,600" and insert "204,400" and strike "153,600" and insert "204,400"; in line 10 after "appropriated" insert (1) $8,000,000 from the General Fund and $2,400,000 from federal funds for FY1994-95 and (2) $8,000,000 from the General Fund and $2,400,000 for FY1995-96"; and in line 10 strike beginning with "$3,000,000" through 1995-96 in line 11.

The Byars-Hall amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1048. Placed on Select File as amended.
E & R amendment to LB 1048:
AM5719

1. On page 9, line 26, strike the first "the" and insert "this".

LEGISLATIVE BILL 1257. Placed on Select File as amended.
E & R amendment to LB 1257:
AM5717

1. On page 2, line 10, after "adopted" insert an underscored comma; and in line 11 strike "sections" and insert "section".

LEGISLATIVE BILL 994. Placed on Select File.
LEGISLATIVE BILL 882. Placed on Select File.

(Signed) Janis M. McKenzie, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 1207 in the Journal. No objections. So ordered.

AM3973

(Amendments to E & R amendments to AM5680)

1. On page 9, after line 5 insert the following new subsections:

"(6) On and after September 1, 1996, land disposal of aluminum beverage containers shall be prohibited.

(7) On and after September 1, 1996, land disposal of newspapers shall be prohibited."; and in line 6 strike "(6)", show as stricken, and insert "(8)".

Mr. Beutler asked unanimous consent to print the following amendment to LB 903 in the Journal. No objections. So ordered.

AM3964

(Amendments to Standing Committee amendment, AM2834)

1. On page 2, line 17, after "court" insert ", except at such time as the next vacancy occurs in the district court of the twelfth district there shall be four judges of the district court in the twelfth district".

Mr. Beutler asked unanimous consent to print the following amendment to LB 903 in the Journal. No objections. So ordered.

AM3965

(Amendments to Standing Committee amendments, AM2834)

1. On page 4, line 5, strike the first comma, show as stricken, and insert "and", strike ", and 12" and show as stricken, and after the period insert "District 12 shall have six county judges, except at such time as the next vacancy occurs in the district 12 county court there shall be five judges of the county court in District 12.".

Mr. Beutler asked unanimous consent to print the following amendment to LB 903 in the Journal. No objections. So ordered.

AM3962

(Amendments to Standing Committee amendments, AM2834

1. On page 2, lines 17 and 18, strike the new matter and reinstate the old matter.

Mr. Beutler asked unanimous consent to print the following amendment to LB 903 in the Journal. No objections. So ordered.

AM3963

(Amendments to AM3514)

1. On page 1, line 4, strike beginning with "Until" through "1995" and insert "Except as provided in subsection (2) of this section".

2. On page 2, strike beginning with "On" in line 1 through "(4)" in line 9.

Mr. Beutler asked unanimous consent to print the following amendment to LB 665 in the Journal. No objections. So ordered.

AM3968

(Amendments to Final Reading copy)

1. On page 4, line 2; page 5, lines 8 and 17; page 6, lines 1, 14, and 24; and page 7, line 14, strike "substantial".

2. On page 4, line 3; page 5, lines 9 and 18; and page 7, line 5, strike "substantial" and insert "nonfrivolous".

Mr. Will asked unanimous consent to print the following amendment to LB 137 in the Journal. No objections. So ordered.

AM3833

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 25-224, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-224. (1) All product liability actions as defined in section 25-21,180, except one governed by subsection (5) of this section, shall be commenced within four years next after the date on which the death, injury, or damage complained of occurs.

(2) Notwithstanding subsection (1) of this section or any other statutory provision to the contrary, any product liability action, except one governed by section 2-725, Uniform Commercial Code or by subsection (5) of this section, shall be commenced within ~~ten~~ twenty years after the date when the product which allegedly caused the personal injury, death, or damage was first sold or leased for use or consumption.

(3) The limitations contained in subsection (1), (2), or (5) of this section shall not be applicable to indemnity or contribution actions brought by a manufacturer or seller of a product against a person who is or may be liable to such manufacturer or seller for all or any portion of any judgment rendered against a manufacturer or seller.

(4) Notwithstanding the provisions of subsections (1) and (2) of this section, any cause of action or claim which any person may have on July 22, 1978, may be brought not later than two years following such date.

(5) Any action to recover damages based on injury allegedly resulting from exposure to asbestos composed of chrysotile, amosite, crocidolite, tremolite, anthrophyllite, actinolite, or any combination thereof, shall be commenced

within four years after the injured person has been informed of discovery of the injury by competent medical authority and that such injury was caused by exposure to asbestos as described herein, or within four years after the discovery of facts which would reasonably lead to such discovery, whichever is earlier. No action commenced under this subsection based on the doctrine of strict liability in tort shall be commenced or maintained against any seller of a product which is alleged to contain or possess a defective condition unreasonably dangerous to the buyer, user, or consumer unless such seller is also the manufacturer of such product or the manufacturer of the part thereof claimed to be defective. Nothing in this subsection shall be construed to permit an action to be brought based on an injury described in this subsection discovered more than two years prior to August 30, 1981.

Sec. 2. It is the intent of the Legislature that the changes made in section 25-224 by this legislative bill shall be applied retroactively to revive causes of action which were barred by section 25-224 prior to the effective date of this act in those cases in which retroactive application would not violate a manufacturer's accrued right not to be sued in Nebraska.

Sec. 3. The total amount recoverable under the State Tort Claims Act for claims arising out of an occurrence on or after the effective date of this act shall be limited to (1) one million two hundred fifty thousand dollars for any one person for any number of claims arising out of a single occurrence and (2) five million dollars for all claims arising out of a single occurrence. Commencing January 1, 1996, and each January 1 thereafter, the dollar limitations in this section shall be adjusted for the change in the Consumer Price Index for All Urban Consumers over the past year. The Risk Manager shall make such annual adjustments to the dollar limitations pursuant to this section.

Sec. 4. That section 81-8,235, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,235. Sections 81-8,209 to 81-8,235 and section 3 of this act shall be known and may be cited as the State Tort Claims Act.

Sec. 5. That original sections 25-224 and 81-8,235, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

Messrs. Warner, Withem, and Wickersham asked unanimous consent to print the following amendment to LB 1290 in the Journal. No objections. So ordered.

(Amendment, AM3974, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mrs. McKenzie asked unanimous consent to print the following amendment to LB 1136A in the Journal. No objections. So ordered.

AM3795

(Amendments to AM3794)

1. On page 1, line 3, after the quotation marks insert "; and after line 14 insert:

'There is included in the $2,000,000 General Fund appropriation to this program for FY1994-95 a one-time increase of at least $100,000 General Funds which shall be allocated to Region III-Mid-Nebraska Mental Retardation Services to address the current funding shortfall of the community-based program.' ".

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 1200. Placed on General File as amended.
Standing Committee amendment to LB 1200:
AM3849

1. Insert the following new section:

"Sec. 20. Prior to commencing practice as an advanced registered nurse practitioner, a licensee shall submit to the department a referral documentation form containing the names of the health care providers, at least two of whom shall be physicians licensed to practice medicine in Nebraska, with whom the advanced registered nurse practitioner will consult or collaborate or to whom he or she will refer patients as needed. The form shall be developed by the department. Nothing in this section shall be construed to prohibit the advanced registered nurse practitioner from consulting or collaborating with and referring patients to health care providers not included on the referral documentation form.".

2. On page 7, lines 26 and 27, strike "and 26" and insert ", 20, and 27".

3. On page 12, line 10, strike "include" and insert "mean"; and strike beginning with the second "and" in line 11 through "to" in line 12 and insert ", including".

4. On page 14, line 18, after "council" insert an underscored semicolon and strike "shall:" and show as stricken; in lines 19 and 25 strike "Act", show as stricken, and insert "Shall act"; in line 23 strike "Act" and insert "Shall act"; in line 26 strike "and" and show as stricken; and strike line 27, show the old matter as stricken, and insert:

"(4) Shall review licensure requirements;

(5) Shall review referral documentation forms submitted under section 20 of this act; and

(6) May verify the information contained in any referral documentation form pursuant to rules and regulations adopted and promulgated by the department with the advice of the boards. Such rules and regulations shall include, but not be limited to, provisions that ensure that the health care providers named in the referral documentation form have consented to be so named.".

5. On page 15, line 21, strike "1994" and insert "1995" and strike "1995" and insert "1996".

6. On page 16, line 4, strike "a nursing clinical specialty area" and insert "nursing or having met the requirements of subdivision (6) of this section"; in line 6 after "and" insert "(a)"; and in line 8 after "application" insert "or (b) has graduated from an approved advanced registered nurse practitioner program within the previous five years".

7. On page 18, line 10, strike "and" and show as stricken; in line 11 after "(6)" insert "Submission of a referral documentation form as described in section 20 of this act; and

(7)"; strike beginning with "for" in line 23 through "(4)" in line 26; and in line 28 strike "(5)" and insert "(4)".

8. On page 19, line 2, strike "1994" and insert "1995".

9. On page 25, line 9, strike "71-1716.03,".

10. Renumber the remaining sections and correct internal references accordingly.

(Signed) Don Wesely, Chairperson

VISITORS

Visitors to the Chamber were 19 seventh grade students and teacher from Waterloo Public School; Senator Cudaback's mother, Lena; 50 fourth grade students and teachers from Betz Elementary, Bellevue; 15 students and sponsor from West Fairview Mennonite School; Shaka and Michael Johnson and Dave Boyer; 28 ninth grade students and sponsor from Friend; and 60 fourth grade students and sponsor from E. N. Swett School, South Sioux City.

RECESS

At 12:07 p.m., on a motion by Mr. Byars, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mr. Warner who was excused; and Messrs. Abboud, Ashford, Bromm, Coordsen, Elmer, Landis, Lindsay, Matzke, Preister, Mmes. Bohlke, Hudkins, Pirsch, Robak, Witek, and Ms. Schimek who were excused until they arrive.

MR. BERNARD-STEVENS PRESIDING

SPEAKER WITHEM PRESIDING

SELECT FILE

LEGISLATIVE BILL 991. Mr. Bernard-Stevens offered the following amendment:
AM3899

1. On page 78, after line 5 insert the following:
"If Legislative Bill 988A, Ninety-third Legislature, Second Session, 1994, is enacted into law, (1) the General Fund appropriation to Program 360 shall be reduced by $45,880 and the personal services limitation for Program 360 shall be reduced by $33,504 and (2) there is hereby appropriated $45,880 from the General Fund for FY1994-95 to the Department of Correctional Services, for Program 250. Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $33,504 for FY1994-95.".

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Bernard-Stevens amendment was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

The Chair declared the call raised.

Mr. Moore offered the following amendment:
AM3983

1. Strike original section 9 and all amendments thereto.
2. In the Standing Committee amendments, AM3400:
a. On page 23, line 6, after the semicolon insert "and"; and strike beginning with the semicolon in line 7 through the quotation marks in line 17;
b. On page 26, line 4, strike "23,408,663" and insert "23,329,663"; and in line 5 strike "24,040,537" and insert "23,961,537"; and

c. Renumber the remaining amendments accordingly.

3. On page 36, line 5, strike "409,944,812" and insert "408,231,940"; and in line 10 strike "411,188,884" and insert "409,476,012".

4. On page 37, lines 10 and 11, strike the new matter and reinstate the stricken matter.

5. On page 111, reinstate line 11; strike line 12; strike line 15 and all amendments thereto and insert "PROGRAM TOTAL 420,875 6,420,875"; and in line 20 strike the new matter and reinstate the stricken matter.

6. Renumber the remaining sections accordingly.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. LINDSAY PRESIDING

Mr. Moore moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

SPEAKER WITHEM PRESIDING

Mr. Moore requested a record vote on his amendment.

Voting in the affirmative, 15:

Ashford	Coordsen	Engel	Hillman	Moore
Bernard-Stevens	Cudaback	Haberman	Kristensen	Robinson
Beutler	Elmer	Hartnett	Matzke	Wickersham

Voting in the negative, 23:

Abboud	Crosby	Lindsay	Robak	Vrtiska
Avery	Day	Monen	Schellpeper	Wesely
Bromm	Fisher	Pedersen	Schimek	Will
Byars	Hall	Preister	Schmitt	Withem
Chambers	Jones	Rasmussen		

Present and not voting, 6:

Bohlke	Hudkins	Janssen	McKenzie	Wehrbein
Dierks				

Excused and not voting, 5:

Landis	Lynch	Pirsch	Warner	Witek

The Moore amendment lost with 15 ayes, 23 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Wesely renewed his pending amendment, AM3971, found in the Journal on page 1379.

Mr. Wesely withdrew his amendment.

Mr. Chambers offered the following amendment:
AM3979

1. In the Standing Committee amendments, AM3400, on page 27, line 18, strike "1,082,659 1,121,283" and insert "1,127,659 1,182,283"; and in lines 19 and 20 strike "1,573,957 1,612,581" and insert "1,618,957 1,673,581".

2. On page 109, after line 8 insert:

"It is the intent of the Legislature that of the funds appropriated to this program, $45,000 for FY1993-94 and $61,000 for FY1994-95 shall only be spent for the public hearing process and not for any other function or program of the agency. The agency shall make a financial report to the Appropriations Committee of the Legislature on or before October 1, 1994, and on or before October 1, 1995, stating the case number and the amount spent on each case with regard to these funds. Any unexpended funds of this earmarked appropriated amount shall lapse to the General Fund.".

Mr. Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The Chambers amendment was adopted with 25 ayes, 10 nays, 11 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Messrs. Abboud and Matzke offered the following amendment:
AM4043

1. Insert the following new section:

"Sec. 9. AGENCY NO. 16 -- DEPARTMENT OF REVENUE
Program No. 102 - Revenue Administration

	FY1993-94	FY1994-95
GENERAL FUND	-0-	18,500
PROGRAM TOTAL	-0-	18,500
SALARY LIMIT	-0-	18,500

It is the intent of the Legislature that the Department of Revenue shall enter onto a computer database of its selection the income tax data available from all filed corporate income tax returns for tax years beginning in 1991,

the final year of the three-factor apportionment formula, and 1992, the first year of the single-factor apportionment formula, that relate to the fiscal impact of the throwback rule under section 77-2734.14 such that the department can, by August 1, 1994: (1) Be able to evaluate the fiscal impact of alternative proposals to change such rule; and (2) make compilations of such data available to the Legislature so that the Revenue Committee of the Legislature and members of the Legislature requesting such data can evaluate such changes.".

2. Renumber the remaining sections accordingly.

Mr. Abboud moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Abboud requested a roll call vote on the Abboud-Matzke amendment.

Voting in the affirmative, 28:

Abboud	Bromm	Fisher	Monen	Schmitt
Ashford	Byars	Hartnett	Pedersen	Wehrbein
Avery	Coordsen	Kristensen	Pirsch	Will
Bernard-Stevens	Cudaback	Lindsay	Rasmussen	Witek
Bohlke	Elmer	Lynch	Robinson	Withem
	Engel	Matzke	Schellpeper	

Voting in the negative, 9:

Chambers	Hall	Jones	Vrtiska	Wickersham
Crosby	Hillman	McKenzie	Wesely	

Present and not voting, 10:

Beutler	Dierks	Hudkins	Moore	Robak
Day	Haberman	Janssen	Preister	Schimek

Excused and not voting, 2:

Landis Warner

The Abboud-Matzke amendment was adopted with 28 ayes, 9 nays, 10 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

MR. HALL PRESIDING

Mr. Lynch offered the following amendment:
FA463

That each General Fund appropriation for FY1994-95 shall be reduced by 1.75%. The Revisor of Statutes and Legislative Fiscal Analyst shall prepare the appropriate E & R amendments to carry out this amendment.

Pending.

MESSAGE FROM THE GOVERNOR

March 24, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Rural Health Advisory Commission.

APPOINTEES:
Janet Fletcher
Irene Fiesterman

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

UNANIMOUS CONSENT - Print in Journal

Mr. Preister asked unanimous consent to print the following amendment to LB 1359 in the Journal. No objections. So ordered.

AM3737

1. Insert the following new section:
"Sec. 10. This act shall become operative on November 1, 1994.".
2. On page 2, lines 10 and 11, strike "all of"; and in line 12 after "form" insert "including, but not limited to".

Mr. Wickersham asked unanimous consent to print the following amendment to LB 1068 in the Journal. No objections. So ordered.

AM3946

1. Insert the following new sections:

"Section 1. That section 16-1027, Revised Statutes Supplement, 1993, be amended to read as follows:

16-1027. (1) At any time before the retirement date, the retiring firefighter may elect to receive his or her pension benefit at retirement either in the form of a straight life annuity or any optional form of annuity benefit established by the retirement committee and provided under a purchased annuity contract. Such optional annuity benefit shall be specified in the funding medium for the retirement system and shall include a straight life annuity with a guarantee of at least sixty monthly payments or an annuity payable for the life of the retiring firefighter and, after the death of the retiree, monthly payments, as elected by the retiring firefighter, of one hundred percent, seventy-five percent, or fifty percent of the amount of annuity payable to the retiring firefighter during his or her life, to the beneficiary selected by the retiring firefighter at the time of the original application for an annuity. For any firefighter whose retirement date is on or after January 1, 1997, the optional benefit forms for the retirement system shall include a single lump-sum payment of the firefighter's retirement value. For firefighters whose retirement date is prior to January 1, 1997, a single lump-sum payment shall be available only if the city has adopted such distribution option in the funding medium established for the retirement system. The retiring firefighter may further elect to defer the date of the first payment or lump-sum distribution to the first day of any specified month prior to age seventy. In the event the retiring firefighter elects to receive his or her pension benefit in the form of an annuity, the amount of such annuity benefit shall be the amount provided by the annuity contract purchased or otherwise provided by the firefighter's retirement value as of the date of the first payment. Any such annuity contract purchased by the retirement system may be distributed to the retiring firefighter. Upon the payment of a lump sum or the distribution of a paid-up annuity contract, all obligations of the retirement system to pay retirement benefits to the firefighter and his or her beneficiaries shall terminate, without exception.

(2) For all firefighters employed on January 1, 1984, the amount of the pension benefit at the retirement date shall not be less than the following amounts:

(a) If retirement from the city occurs following age fifty-five with twenty-one years of service with the city, fifty percent of regular pay;

(b) If retirement from the city occurs following age fifty but before age fifty-five with at least twenty-one years

of service with the city, such firefighter shall receive the actuarial equivalent of the benefit which would otherwise be provided at age fifty-five; ~~For terminations of employment from the city on or after September 9, 1993, if such termination of employment as a firefighter occurs before age fifty-five but after completion of twenty-one years of service with the city, such firefighter shall receive upon the attainment of age fifty-five a pension benefit of fifty percent of regular pay;~~

(c) If retirement from the city occurs on or after age fifty-five with less than twenty-one years of service with the city, such firefighter shall receive a pension of at least fifty percent of the salary he or she was receiving at the time of retirement multiplied by the ratio of the years of service to twenty-one;

(d) For terminations of employment from the city on or after September 9, 1993, if such termination of employment as a firefighter occurs before age fifty-five but after completion of twenty-one years of service with the city, such firefighter shall receive upon the attainment of age fifty-five a pension benefit of fifty percent of regular pay;

(e) Unless an optional annuity benefit is selected by the retired firefighter, at the death of any such retired firefighter, the same rate of pension as is provided for in this section shall be paid to the surviving spouse of such deceased firefighter during such time as the surviving spouse remains unmarried and, in case there is no surviving spouse, then the minor children, if any, of such deceased firefighter shall equally share such pension benefit during their minority, except that as soon as a child of such deceased firefighter ceases to be a minor, such pension as to such child shall cease; or

~~(e)~~ (f) In the event a retired firefighter or his or her surviving beneficiaries die before the aggregate amount of pension payments received by the firefighter and his or her survivor beneficiaries, if any, equals the total amount in the firefighter's employee account, at the time of the first benefit payment, the difference between the total amount in the employee's account and the aggregate amount of pension payments received by the retired firefighter and his or her surviving beneficiaries, if any, shall be paid in a single sum to the firefighter's estate.

A firefighter entitled to a minimum pension benefit under this subsection may elect to receive such pension benefit in any form permitted by subsection (1) of this section, including a single lump-sum payment, if the firefighter retires on or after January 1, 1997, or if the city has adopted a lump-sum distribution option for firefighters retiring before January 1, 1997, in the funding

medium for the retirement system. If the minimum pension benefit is paid in the form of an optional annuity benefit or a single lump-sum payment, such benefit or payment shall be the actuarial equivalent of the annuity that would otherwise be paid to the firefighter pursuant to this subsection.

If the firefighter chooses the single lump-sum payment option, the firefighter may request that the actuarial equivalent be equal to the average of the cost of ~~three~~ two annuity contracts purchased on the open market, if the difference between the cost of the two annuity contracts does not exceed five percent. Of the ~~three~~ two annuity contracts used for comparison, one shall be chosen by the firefighter; ~~one shall be chosen by the retirement committee,~~ and one shall be chosen by the city. If the difference between the two annuity contracts exceeds five percent, the retirement committee shall review the costs of the two annuity contracts and make a recommendation to the city council as to the amount of the lump-sum payment to be made to the firefighter. The city council shall, after a hearing, determine the amount of the single lump-sum payment due the firefighter.

(3) If the retirement value of a firefighter entitled to a minimum pension benefit under subsection (2) of this section is not sufficient at the time of the first payment to purchase or provide the required pension benefit, the city shall utilize such funds as may be necessary from the unallocated employer account of the retirement system to purchase or provide for the required pension benefit.

(4) Any retiring firefighter whose pension benefit is less than twenty-five dollars per month on the straight life annuity option shall be paid a lump-sum settlement equal to the retirement value in lieu of annuity and shall not be entitled to elect to receive annuity benefits.

Sec. 2. That section 16-1028, Revised Statutes Supplement, 1993, be amended to read as follows:

16-1028. (1) A firefighter of a city of the first class may:

(a) Retire or be retired and receive the applicable retirement pension benefit upon the attainment of age fifty-five while employed by the city as a firefighter;

(b) Elect to retire after he or she has attained the age of fifty and has completed at least twenty-one years of service with the city and receive the actuarial equivalent of the pension benefit he or she would otherwise receive upon the attainment of age fifty-five;

(c) After twenty-one years of service with the city, terminate employment with the city and, upon the attainment of age fifty-five, receive the applicable retirement pension benefit; or

~~(c)~~ (d) Retire or be retired as a result of

disability while in the line of duty, as determined under section 16-1031, at any age and receive the applicable pension benefit provided in such section. ~~16-1031.~~

(2) A firefighter who is eligible to retire pursuant to subdivision (1)(a) of this section but does not~~,~~ shall continue to contribute to his or her employee account and the city shall continue to contribute to its employer account.

(3) For purposes of subdivisions (1)(a), (b), and ~~(c)~~ (d) of this section, the first of the month immediately following the last day of work shall be the retirement date. For purposes of subdivision ~~(1)(b)~~ (1)(c) of this section, the first of the month immediately following the attainment of age fifty-five shall be the retirement date.

Sec. 3. That section 16-1033, Revised Statutes Supplement, 1993, be amended to read as follows:

16-1033. In the event a firefighter quits or is discharged before his or her retirement date as defined in subsection (3) of section 16-1028, the firefighter may request and receive, as a lump-sum payment, an amount equal to the value of his or her employee account as determined at the valuation date preceding his or her termination of employment pursuant to subdivision (9) of section 16-1021. Such firefighter, if vested, may, in lieu thereof, receive a deferred pension benefit or lump-sum benefit in an amount purchased or provided by the vested retirement value at the date of retirement. The retirement value at such retirement date shall consist of the then-accumulated value of the firefighter's employee account at the date of the retirement as reduced by any lump-sum distributions received prior to retirement, together with a vested percentage of the accumulated value of the firefighter's employer account at the date of retirement. The vesting schedule ~~is~~ shall be as follows:

(1) If the terminating firefighter has been a member of the system for less than four years, ~~such~~ the vesting percentage shall be ~~nil~~ zero; and

(2) If the terminating firefighter has been a member of the paid department of the city for at least four years, ~~such~~ the vesting percentage shall be forty percent. ~~Such~~ The vesting percentage shall be ~~fifty~~ sixty percent after five years, ~~sixty~~ eighty percent after six years, ~~seventy percent after seven years, eighty percent after eight years, ninety percent after nine years,~~ and one hundred percent after ~~ten~~ seven years.

The deferred pension benefit shall be payable on the first of the month immediately following ~~his or her~~ the terminating firefighter's fifty-fifth birthday. At the option of the ~~terminating~~ firefighter, such pension benefit may be paid as of the first of the month after ~~such member~~ he or she

attains the age of fifty. Such election may be made by the firefighter any time prior to the payment of the pension benefits.

The deferred pension benefit shall be paid in the ~~form of the benefit options~~ optional benefit forms specified at subsection (1) of section 16-1027 as elected by the firefighter. Notwithstanding anything in sections 16-1020 to 16-1042 to the contrary, if the firefighter's vested retirement value at the date of his or her termination of employment is less than three thousand five hundred dollars, such firefighter shall, upon request within one year of such termination, be paid his or her vested retirement value in the form of a single lump-sum payment.

Effective January 1, 1997, a firefighter may elect, upon his or her termination of employment, to receive his or her vested retirement value in the form of a single lump-sum payment. For a firefighter whose termination of employment is prior to January 1, 1997, this election shall be available only if the city has adopted a lump-sum distribution option for terminating firefighters in the funding medium established for the retirement system.

Upon any lump-sum payment of a terminating firefighter's retirement value under this section, such firefighter will not be entitled to any deferred pension benefit and the city and the retirement system shall have no further obligation to pay such firefighter or his or her beneficiaries any benefits under sections 16-1020 to 16-1042.

In the event that the terminating firefighter is not credited with one hundred percent of his or her employer account, the remaining nonvested portion of the account shall be forfeited and shall be deposited in the unallocated employer account. If the actuarial evaluation required by section 16-1026 shows that the assets of the unallocated employer account are sufficient to provide for the projected plan liabilities, such forfeitures shall instead be used to meet the expenses incurred by the city in connection with administering the retirement system, and the remainder shall then be used to reduce the city contribution which would otherwise be required to fund pension benefits.

Sec. 4. Sections 1 to 3 and 5 of this act shall become operative three calendar months after the adjournment of this legislative session. The other sections of this act shall become operative on their effective date.

Sec. 5. That original sections 16-1027, 16-1028, and 16-1033, Revised Statutes Supplement, 1993, are repealed.".

Messrs. Wehrbein and Beutler asked unanimous consent to print the following amendment to LB 1207 in the Journal. No objections. So ordered.

AM3984

(Amendments to E & R amendments, AM5680)

1. Insert the following new section:

"Sec. 12. That section 81-15,176, Revised Statutes Supplement, 1993, be amended to read as follows:

81-15,176. (1) Subject to subsection (3) of this section, the board shall establish environmental priorities for the trust. The board, after allowing opportunity for public comment, shall designate as priorities those environmental goals which most affect the natural physical and biological environment in Nebraska, including the air, land, ground water and surface water, flora and fauna, prairies and forests, wildlife and wildlife habitat, and areas of aesthetic or scenic values. In designating environmental priorities, the board shall attempt to focus on the areas which promise the greatest opportunities for effective action to achieve and preserve the future environmental quality in the state. The board shall establish priorities for five-year periods beginning July 1, 1995, except that the board may make annual modifications to refine and clarify its priorities. The board shall provide for public involvement in developing the priorities for such five-year periods, including public meetings in each of the three congressional districts.

(2) The board shall establish criteria for determining the eligibility of projects for assistance from the fund, which criteria shall include the following:

(a) The fund shall not provide direct assistance to regulatory programs or to implement actions mandated by regulations except remediation;

(b) Before January 1, 1997, no more than twenty-five percent of allocations in any year shall assist remediation of soils or ground water, and no allocation for this purpose shall occur unless all other available sources of funding are, in the opinion of the board, being substantially utilized. On and after January 1, 1997, no more than sixty percent of allocations in any year shall assist remediation of soils or ground water, and no allocation for this purpose shall occur unless all other available sources of funding are, in the opinion of the board, being substantially utilized;

(c) The fund shall not pay for private benefits or to relieve private liability for environmental damage;

(d) The fund shall not pay for projects which have direct beneficiaries who could afford the costs of the benefits without experiencing serious financial hardship;

(e) The fund should assist those projects which

offer the greatest environmental benefits relative to cost;

(f) The fund should assist those projects which provide clear and direct environmental benefits;

(g) The fund should assist those projects which will make a real contribution to achieving the board's environmental priorities; ~~and~~

(h) The fund should assist those projects which offer the greatest public benefits; and

(i) The fund shall not pay for land or easements acquired without the full and express consent of the landowner.

(3) Until the first five-year priorities become effective on July 1, 1995, the board shall observe the following ~~initial~~ priorities for allocating funds:

(a) Critical habitat areas, including wetlands acquisition, preservation, and restoration and acquisition and easements of areas critical to rare or endangered species; ~~. Land and easements shall not be acquired without the full and express consent of the landowner;~~

(b) Surface water quality, including actions to preserve lakes and streams from degradation;

(c) Ground water quality, including fostering best management practices as defined in section 46-657, actions to preserve ground water from degradation, and remediation of soils or ground water; and

(d) Development of recycling markets and reduction of solid waste volume and toxicity.

(4) The board may refine and clarify these initial priorities.".

2. On page 21, line 10, strike the second "and"; and in line 11 after the first comma insert "and 81-15,176,".

3. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 365. Introduced by Dierks, 40; Cudaback, 36; Elmer, 38; Schellpeper, 18; Vrtiska, 1.

PURPOSE: To study the availability of animal damage control services for the control of predators and disease which cause great financial losses to livestock producers, and the potential benefits of expanding and upgrading such services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 366. Introduced by Dierks, 40; Cudaback, 36; Bernard-Stevens, 42; Beutler, 28.

PURPOSE: To study the long-term policy recommendations of the Nebraska Aquaculture Board and the assignment of water-use priorities as they pertain to aquaculture facilities in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture and Natural Resources Committees of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 367. Introduced by Dierks, 40; Coordsen, 32; Cudaback, 36; Elmer, 38; Schellpeper, 18; Vrtiska, 1; Jones, 43.

PURPOSE: The purpose of this study is to compare the agricultural tax policies of other states and the effect of such policies on those states' farm operating costs with those of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture and Revenue Committees of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 1006, 1006A, 1194, 1211, and 1211A.

Enrollment and Review Change to LB 1194

The following changes, required to be reported for publication in the Journal, have been made:
ER7451

1. In the Standing Committee amendment, AM3459:

a. On page 1, line 18, an underscored comma has been inserted after "training";

b. On page 4, line 5, "Nebraska" has been inserted before "Commission"; and

c. On page 5, line 22, "have" has been struck and "has" inserted.

(Signed) Janis M. McKenzie, Chairperson

SELECT FILE

LEGISLATIVE BILL 991. The Lynch pending amendment, FA463, found in this day's Journal, was renewed.

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

MR. BEUTLER PRESIDING

Mr. Withem asked unanimous consent to bracket LB 991 until March 30, 1994. No objections. So ordered.

SPEAKER WITHEM PRESIDING

LEGISLATIVE BILL 1045. E & R amendment, AM5698, found in the Journal on page 1219, was adopted.

Mr. Moore asked unanimous consent to bracket LB 1045 until March 30, 1994. No objections. So ordered.

LEGISLATIVE BILL 314. E & R amendment, AM5701, found in the Journal on page 1220, was adopted.

Mr. Moore renewed the Warner pending amendment, AM3743, found in the Journal on page 1225.

The Warner amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

Mr. Janssen asked unanimous consent to be excused. No objections. So ordered.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 76. Mr. Withem withdrew his amendments, AM3602, AM3801, AM3802, AM3803, and AM3804, found in the Journal on pages 1038, 1248, and 1249.

Mr. Hall renewed his pending amendment, AM3712, found in the Journal on page 1263.

The Hall amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Ms. Schimek renewed her pending amendment, AM3044, printed separately from the Journal and referred to on page 962.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

MR. HALL PRESIDING

Messrs. Bromm, Byars, Engel, and Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Ashford asked unanimous consent to be excused. No objections. So ordered.

The Schimek amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolution 349.

LR	**Committee**
349	Natural Resources

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING
Natural Resources

LR 349 Thursday, March 31, 1994 12:30 p.m.

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Bromm asked unanimous consent to print the following amendment to LB 906 in the Journal. No objections. So ordered.

AM4042

1. Insert the following new section:
"Section 1. That section 25-2705, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
25-2705. Either party to any case in county court, except criminal cases arising under city or village ordinances, criminal cases for which the penalty does not include imprisonment, traffic infractions, other infractions, and any matter arising under the Nebraska Probate Code, may demand a trial by jury. In civil cases, the demand shall be in writing and shall be filed on or before answer day except as otherwise provided in section 25-2805. All provisions of law relating to juries in the district courts shall apply to juries in the county courts, and the district court jury list shall be used, except that juries in the county courts shall consist of six persons.".
2. On page 2, line 22, strike "section" and insert "sections 25-2705 and".
3. Renumber the remaining sections accordingly.

Mr. Kristensen asked unanimous consent to print the following amendment to LB 1224 in the Journal. No objections. So ordered.

AM3993

1. Strike original section 81 and all amendments thereto and insert the following new sections:
"Sec. 81. That section 71-601, Revised Statutes Supplement, 1992, be amended to read as follows:
71-601. The Department of Health shall provide for the registration of ~~births, deaths, marriages, and divorces~~ vital events and shall adopt, ~~and~~ promulgate, and enforce such rules and regulations as are necessary to carry out the

purposes of sections 71-601 to ~~71-634~~ 71-649 and sections 82, 84 to 86, 91, and 92 of this act.

Sec. 82. For purposes of sections 71-601 to 71-649 and sections 82, 84 to 86, 91, and 92 of this act:

(1) Certificate shall mean the record of a vital event; and

(2) Certification shall mean the process of recording, filing, amending, or preserving a certificate, which process may be by any means, including, but not limited to, microfilm, electronic, imaging, photographic, typewritten, or other means designated by the Department of Health.

Sec. 83. That section 71-604, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-604. (1) A certificate for each live birth which occurs in the State of Nebraska shall be filed on a standard Nebraska certificate form. Such certificate shall be filed with the Bureau of Vital Statistics within five business days after the birth.

(2) When a birth occurs in an institution or en route ~~to a hospital or other institution, the certificate of birth shall be prepared in the facility and shall be signed by the person certifying the birth in his or her own handwriting~~ thereto, the person in charge of the institution or his or her authorized designee shall obtain the personal data, prepare the certificate which shall include the name, title, and address of the attendant, certify that the child was born alive at the place and time and on the date stated either by standard procedure or by an approved electronic process, and file the certificate. The physician or other person in attendance shall provide the medical information required for the certificate ~~and certify the facts of birth~~ within seventy-two hours after the birth.

(3) When a birth occurs outside an institution, the certificate of birth shall be prepared and filed by one of the following:

(a) The physician in attendance at or immediately after the birth;

(b) The father, the mother, or, in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred; or

(c) Any other person in attendance at or immediately after the birth.

Sec. 84. Upon receipt of a notarized affidavit from the physician that performed sex reassignment surgery on an individual born in this state and a certified copy of an order of a court of competent jurisdiction changing the name of such person, the Department of Health shall prepare a new certificate of birth in the new name and sex of such person in substantially the same form as that used for other live

births. The evidence from which the new certificate is prepared and the original certificate of birth shall be available for inspection only upon the order of a court of competent jurisdiction.

Sec. 85. The Department of Health may accept for filing and issue certified copies of vital records generated from microfilm, imaging, electronic means, or any other medium as designated by the department.

Sec. 86. To preserve vital records, the Department of Health may prepare typewritten, photographic, electronic, or other reproductions of certificates or reports of the Bureau of Vital Statistics. Such reproductions, when verified and approved by the department, shall be accepted as the original records, and the documents from which permanent reproductions have been made may be disposed of as provided by rules and regulations of the department.

Sec. 87. That section 71-627.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-627.02. Upon receipt of a Report of Adoption or a certified copy of a decree of adoption issued by any court of competent jurisdiction in the State of Nebraska~~;~~ as to any foreign-born person, the Director of Health through the Bureau of Vital Statistics shall prepare a birth certificate in the new name of the adopted person. The birth certificate shall show specifically (1) the new name of the adopted person, (2) the date of birth and sex of the adopted person, (3) statistical information concerning the adoptive parents in place of the natural parents, and (4) the true or probable place of birth including the city or town and country.

Sec. 88. That section 71-628, Revised Statutes Supplement, 1992, be amended to read as follows:

71-628. In case of the legitimation of any child born in Nebraska by the subsequent marriage of ~~its~~ such child's parents as provided in section ~~43-1409~~ 43-1406, the Bureau of Vital Statistics, upon the receipt of a certified copy of the marriage certificate of the parents and a statement of the ~~husband~~ parents acknowledging paternity, shall prepare a new certificate of birth in the new name of the child so legitimated, in substantially the same form as that used for other live births, and shall charge a filing fee of seven dollars. The department shall charge and collect an additional fee of one dollar for each new certificate of birth prepared. Such fees collected shall be remitted to the State Treasurer for credit to the General Fund.

Sec. 89. That section 71-640.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-640.01. The information pertaining to the ~~name~~ identification of the father at the time of birth of an infant born in this state and reported on a birth certificate, filled

out and filed pursuant to sections 71-601 to ~~71-648~~ 71-649 and sections 82, 84 to 86, 91, and 92 of this act, shall comply with the following:

(1) If the mother was married at the time of either conception or birth ~~of the child,~~ or at any time between conception and birth, the name of ~~such mother's~~ the husband shall be entered on the certificate as the father of the child ~~and the surname of the child shall be entered on the certificate as being (a) the same as that of the husband,~~ unless (a) paternity has been determined otherwise by a court of competent jurisdiction, (b) ~~the surname of the mother, (c) the maiden surname of the mother, or (d) the hyphenated surname of both parents~~ the mother and the mother's husband execute affidavits attesting that the husband is not the father of the child, in which case information about the father shall be omitted from the certificate, or (c) the mother executes an affidavit attesting that the husband is not the father and that the putative father is the father, the putative father executes an affidavit attesting that he is the father, and the husband executes an affidavit attesting that he is not the father. In such event, the putative father shall be shown as the father on the certificate. For affidavits executed under subdivision (b) or (c) of this subdivision, each signature shall be individually notarized;

(2) If the mother was not married at the time of either conception or birth ~~of the child,~~ or at any time between conception and birth, the name of the father shall not be entered on the certificate without the written consent of the mother and the person named as the father; ~~, in which case and upon the written request of both such parents the surname of the child shall be that of the father or the hyphenated surname of both parents;~~

(3) In any case in which paternity of a child is determined by a court of competent jurisdiction, the name of the father shall be entered on the certificate in accordance with the finding of the court; and

(4) ~~and the surname of the child may be entered on the certificate the same as the surname of the father;~~

~~(4) In all other cases, the surname of the child shall be the legal surname of the mother; and~~

~~(5)~~ If the father is not named on the certificate, no other information about the father shall be entered thereon.

The identification of the father as provided in this section shall not be deemed to affect the legitimacy of the child or duty to support as set forth in sections 42-377 and 43-1401.

Sec. 90. That section 71-640.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-640.02. The Bureau of Vital Statistics shall enter on the birth certificate of any child born out of wedlock the ~~surname~~ name of the father ~~or the surnames of both parents joined by a hyphen as the surname~~ of the child upon receipt of (1) a certified copy of a court order ~~entered after January 3, 1973,~~ showing that paternity has been established or a statement in writing by the father that he is the father of the child~~,~~ and (2) the written request of (a) the parent having legal custody of the child~~,~~ or (b) the guardian or agency having legal custody of the child. The surname of the child shall be determined in accordance with section 91 of this act.

Sec. 91. (1) In any case in which paternity of a child is determined by a court of competent jurisdiction, the surname of the child may be entered on the record the same as the surname of the father.

(2) The surname of the child shall be the parents' prerogative, except that the Department of Health shall not accept a birth certificate with a child's surname that implies any obscene or objectionable words or abbreviations.

Sec. 92. The name of the father as shown on the birth certificate may be changed and a new certificate issued only when a determination of paternity is made by a court of competent jurisdiction. The evidence from which the new certificate is prepared and the original certificate of birth shall be available for inspection only upon the order of a court of competent jurisdiction.

Sec. 93. That section 71-644, Revised Statutes Supplement, 1992, be amended to read as follows:

71-644. ~~When a certificate is amended, the Bureau of Vital Statistics shall (1) complete the item in any case where the item was left blank on the existing certificate or (2) draw a single line through the item to be amended and insert the correct data immediately above or to the side thereof. The line drawn through the original entry shall not obliterate such entry.~~ A certificate or report that is amended under sections 71-635 to 71-644 shall indicate that it has been amended as provided by rules and regulations of the Department of Health. A record shall be maintained which identifies the evidence upon which the amendment was based, the date of the amendment, and the identity of the person making the amendment.

Sec. 94. That section 71-649, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-649. (1) Any person who (a) willfully and knowingly makes any false statement in a certificate, record, or report required to be filed pursuant to sections 71-601 to 71-648~~, or~~ and sections 82, 84 to 86, 91, and 92 of this act,

in an application for an amendment thereof, or in an application for a certified copy of a vital record; or willfully and knowingly supplies false information intending that such information be used in the preparation of any such report, record, ~~or~~ certificate, or amendment thereof; (b) without lawful authority and with the intent to deceive, makes, counterfeits, alters, amends, or mutilates any certificate, record, or report required to be filed pursuant to such sections ~~71-601 to 71-648,~~ or a certified copy of such certificate, record, or report; (c) willfully and knowingly obtains, possesses, uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish to another, for any purpose of deception, any certificate, record, report, or certified copy thereof so made, counterfeited, altered, amended, or mutilated; (d) with the intention to deceive, willfully and knowingly obtains, possesses, uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish to another any certificate of birth or certified copy of a certificate of birth knowing that such certificate or certified copy was issued upon a certificate which is false in whole or in part or which relates to the birth of another person, whether living or deceased; (e) willfully and knowingly furnishes or possesses a certificate of birth or certified copy of a certificate of birth with the knowledge or intention that it be used for the purposes of deception by a person other than the person to whom the certificate of birth relates; or (f) without lawful authority possesses any certificate, record, or report, required by such sections ~~71-601 to 71-648,~~ or a copy or certified copy of such certificate, record, or report knowing the same to have been stolen or otherwise unlawfully obtained, shall be guilty of a Class IV felony.

(2) Any person who (a) willfully and knowingly refuses to provide information required by such sections ~~71-601 to 71-648,~~ or rules and regulations adopted under ~~sections 71-640.01 and 71-649;~~ this section and section 71-640.01 or (b) willfully and knowingly neglects or violates any of the provisions of sections 71-601 to 71-648, and sections 82, 84 to 86, 91, and 92 of this act or refuses to perform any of the duties imposed upon him ~~thereunder~~ or her under such sections shall be guilty of a Class I misdemeanor.

(3) The Department of Health may include on any appropriate certificate or document a statement warning of the consequences for any violation of this section.".

2. On page 83, line 4, after the second comma insert "and also section 71-607, Reissue Revised Statutes of Nebraska, 1943,".

3. Amend the operative date and repealer sections so that section 83 added by this amendment becomes operative

on January 1, 1995, and the other sections added by this amendment become operative on their effective date.

4. Renumber the remaining sections and correct internal references accordingly.

VISITORS

Visitors to the Chamber were Wynn Williams from Omaha; 24 fourth grade students and teacher from North Bend Elementary School; 34 seniors, teacher, and principal from Wisner-Pilger High School; six Boy Scouts, leader, and guest from Pack 27, Lincoln; Cara, Jolene, Joshua, and Joel Catlett from North Platte and Sinu Ginigini from Fiji; 12 eighth grade students and sponsor from Harrison; and Clark Nichols from Scottsbluff.

The Doctor of the Day was Jim Van Delden from Winnebago.

ADJOURNMENT

At 4:55 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Friday, March 25, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-SEVENTH DAY - MARCH 25, 1994

LEGISLATIVE JOURNAL

FORTY-SEVENTH DAY - MARCH 25, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 25, 1994

Pursuant to adjournment, the Legislature met at 9:02 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Max Graves, Christian Life Fellowship, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Landis and Warner who were excused; and Messrs. Ashford, Elmer, Hall, Jones, Monen, Will, Withem, Ms. Day, Mmes. Rasmussen, and Robak who were excused until they arrive.

MR. LINDSAY PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 718 in the Journal. No objections. So ordered.

AM3865

1. On page 2, lines 15 and 19, after "pharmacy" insert "if the price charged for the prescription drug by a non-mail-order pharmacy is equal to or less than the price charged by the mail-order pharmacy".

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 24, 1994. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Pappas, James E. - Lincoln	Department of Economic Development (Ireland) Nebraska State AFL-CIO

RESOLUTION

LEGISLATIVE RESOLUTION 354. Read. Considered.

LR 354 was adopted with 36 ayes, 0 nays, 3 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 988A. E & R amendment, AM5713, found in the Journal on page 1365, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1275A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 971A. Advanced to E & R for engrossment.

Mr. Wickersham asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 76. Mr. Avery renewed his pending amendment, AM3846, found in the Journal on page 1282.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Avery withdrew his amendment.

Messrs. Avery and Fisher renewed their pending amendment, AM3852, found in the Journal on page 1288.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem renewed his pending amendment, AM3878, found in the Journal on page 1369, to the Avery-Fisher pending amendment.

Mr. Withem withdrew his amendment.

Mr. Avery requested a division of the question on the Avery-Fisher pending amendment.

The Chair sustained the division of the question.

The first Avery-Fisher amendment is as follows:
FA464

1. Insert the following new section:

"Sec. 34. The election commissioner and chief deputy election commissioner, once appointed, qualified, bonded, and sworn into office, and the county clerk acting as the election officer, shall not hold a political party office, endorse any candidate, or be a member or officer of a candidate committee for any candidate seeking public office. This section shall not prohibit a county clerk acting as the election officer from participating in his or her own reelection campaign or fundraisers.".

Mr. Withem offered the following amendment to the Avery-Fisher pending amendment:
FA470

strike in line 6, FA464, "endorse any candidate."

Mr. Withem withdrew his amendment.

Mr. Bernard-Stevens moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Messrs. Avery and Fisher withdrew their amendment, FA464, and the remaining portions of AM3852.

Ms. Schimek offered the following amendment:
AM3591

1. On page 39, line 26, strike "finally"; and in line 28 strike "(a) by receiving a" and all amendments thereto and insert an underscored period.

2. On page 40 strike lines 1 through 4 and all amendments thereto.

3. On page 101, line 3, strike "person serving as a" and insert "candidate for"; and in line 4 strike the first "in".

4. On page 363, line 12, after the period insert "A qualified person need not be a resident of the county when he or she files for election as county superintendent, but if elected as county superintendent after November 1994, such

person shall reside in the county in which he or she holds office.".

5. In the Schimek amendment, AM3375:

a. On page 10, line 27, strike "this" and show as stricken and after "subsection" insert "(2) of section 359 of this act";

b. On page 11, strike beginning with "For" in line 4 through the period in line 7 and show as stricken; and

c. On page 13, line 12, strike "in such charter".

6. In the Standing Committee amendments, AM1741:

a. Strike amendment 35 and renumber the remaining amendments accordingly; and

b. On page 8, strike beginning with the semicolon in line 12 through the quotation marks in line 18.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

The Schimek amendment was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of Governor appointments.

Fiesterman, Irene - Rural Health Advisory Commission -- Health and Human Services

Fletcher, Janet - Rural Health Advisory Commission -- Health and Human Services

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1351A. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1351, Ninety-third Legislature, Second Session, 1994.

STANDING COMMITTEE REPORT

Health and Human Services

LEGISLATIVE BILL 1137. Placed on General File as amended.
Standing Committee amendment to LB 1137:
AM3474

1. On page 7, line 16; page 8, line 2; page 30, lines 3 and 24; page 32, line 1; page 34, line 14; page 35, line 27; page 38, line 28; page 40, line 27; page 41, line 9; and page 42, line 5, strike "autonomous".

2. On page 13, strike line 22 and insert "a regional or professional accrediting organization recognized by the".

3. On page 15, line 7, after the period insert "The terms certified, registered, chartered, or any other term chosen by a jurisdiction to authorize the autonomous practice of psychology shall be considered equivalent terms.".

4. On page 16, line 3, strike "make all rules", show as stricken, and insert "adopt and promulgate all rules and regulations"; in line 7 strike "formulate" through the second "of" and show as stricken; in line 8 before "conduct" insert "adopt and promulgate rules and regulations regarding"; in line 9 strike "code", show as stricken, and insert "regulations" and in line 10 strike "Those" through the second "of", show as stricken, and insert "The rules and regulations regarding".

5. On page 17, strike beginning with "(1)" in line 8 through "(2)" in line 13; in line 12 after the period insert "Unless otherwise expressly stated, references to licensed psychologists in sections 8 to 38 of this act, the Nebraska Mental Health Commitment Act, and in section 44-513 shall mean only psychologists licensed under section 22 or 24 or subdivisions (2) and (3) of section 25 of this act and shall not mean persons holding a special license under subdivision (1) of section 25 or under section 26 of this act."; and in lines 19 and 20 strike "to" through "psychology" and insert "except for persons licensed under subdivision (1) of section 25 of this act or under section 26 of this act".

6. On page 18, line 14, after "shall" insert "approve and the department shall"; in line 18 after "adopt" insert "and approve"; strike beginning with the second "for" in line 25 through "board" in line 26 and insert "for psychologists meeting the requirements of section 27 of this act"; and in line 28 strike "Examiners in".

7. On page 19, strike beginning with "(1)" in line 2 through the first "a" in line 3 and insert "A"; strike lines 9 through 14; in lines 15 and 16 strike "subsection (2) of section 24 of this act" and insert "this section"; in line 18 strike "shall"; and strike lines 19 through 27 and insert:

"(1) Shall be issued a special license to practice

psychology that continues existing requirements for supervision. Any psychological practice that involves the diagnosis and treatment of major mental and emotional disorders by a person holding a special license shall be done under the supervision of a licensed psychologist approved by the board in accordance with regulations developed by the board. A psychologist licensed under this subdivision shall not supervise mental health practitioners or independently evaluate persons under the Nebraska Mental Health Commitment Act. Supervisory relationships shall be registered with the board by a notarized letter signed by both the supervisor and supervisee. The letter shall contain:".

8. On page 20, line 9, after "with" insert "special"; in lines 9 and 10 strike "issued under this subdivision"; in line 17 strike "Apply" and insert "May apply"; and in line 21 after the period insert "A psychologist demonstrating such experience shall be deemed to have met equivalent requirements for licensure to those required by section 22 of this act and shall be eligible for renewal of licensure in accordance with the Uniform Licensing Law.".

9. On page 21, line 11, strike "Apply" and insert "May apply"; in line 15 after the period insert "A person demonstrating such employment shall be deemed to have met equivalent requirements for licensure under section 22 of this act and shall be eligible for renewal of licensure in accordance with the Uniform Licensing Law.

A person licensed but not certified to practice clinical psychology under the law in effect immediately prior to the operative date of this act who has failed the examination for clinical certification shall not be eligible to apply under subdivisions (2) and (3) of this section. The board may deny an application under such subdivisions if the applicant has had any action taken against him or her for violations of the laws licensing psychologists by the board or the boards of other jurisdictions. Such person shall be granted a special license under subdivision (1) of this section."; in line 20 after "a" insert "special"; and strike beginning with "which" in line 21 through "and" in line 22.

10. On page 29, strike lines 23 through 25 and insert "approved by the board and documented as provided in rules and regulations of the board.".

(Signed) Don Wesely, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 368. Introduced by Schellpeper, 18; Elmer, 38; Haberman, 44; Cudaback, 36; Hartnett, 45; Robinson, 16; Hudkins, 21.

PURPOSE: In 1993, the Nebraska Supreme Court ruled in the Kwik-Shop case that Laws 1989, LB 781, which provided for local control over the issuance or denial of retail liquor licenses, was unconstitutionally vague and therefore constituted an impermissible delegation of legislative authority. The Attorney General subsequently issued an opinion that Laws 1993, LB 183, which contained many of the same provisions as Laws 1989, LB 781, was also unconstitutional based upon the reasoning of the Kwik-Shop case. These rulings have resulted in confusion about which laws are applicable to the regulation of retail liquor licenses.

LB 1085, introduced in the 1994 session, was intended to respond to the issues raised by these rulings. LB 1085 has been held in committee, at least in part because it raised additional issues concerning retail liquor license fees, occupation taxes, training of personnel, and appeal procedures.

This study shall include, but not be limited to, the following:

(1) Court rulings on retail liquor regulation;

(2) Laws of other states concerning retail liquor regulation;

(3) Issues concerning issuance, denial, suspension, or revocation of retail liquor licenses;

(4) Issues concerning retail liquor license fees, occupation taxes, and training of personnel;

(5) Legal procedures regarding retail liquor licenses, including standards and methods of appeal;

(6) Standards for control of retail liquor licenses;

(7) Appropriate roles of the Nebraska Liquor Control Commission and cities, counties, and villages in regulation of retail liquor licenses; and

(8) Any other matters necessary or appropriate for the examination of these issues.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 369. Introduced by Kristensen, 37.

WHEREAS, a modern, well-maintained, efficient, and interconnected transportation system is vital to the economic growth and health and the global competitiveness of our state and the entire nation; and

WHEREAS, the highway network is the backbone of the transportation system for the movement of people, goods, and intermodal connectivity; and

WHEREAS, it is critical to effectively address highway transportation needs through appropriate transportation plans and program investments; and

WHEREAS, the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA) established the concept of a 155,000-mile national highway system which includes the interstate system; and

WHEREAS, on December 9, 1993, the United States Department of Transportation transmitted to Congress a 159,000-mile proposed national highway system which identified 104 port facilities, 143 airports, 191 rail-truck terminals, 321 Amtrak stations, and 319 transit terminals; and

WHEREAS, ISTEA requires that national highway system and interstate maintenance funds not be released to the states if the system is not improved by September 30, 1995; and

WHEREAS, the uncertainty associated with the future of the national highway system precludes the possibility of the state to effectively undertake the necessary and properly developed planning and programming activities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Congress of the United States is respectfully requested to accelerate the process of developing and approving the national highway system and that the Congress of the United States should pass legislation which designates and approves the national highway system no later than September 30, 1994.

2. That a copy of this resolution be transmitted to the President of the United States, the Speaker of the House of Representatives, and all members of the Nebraska Congressional delegation.

Laid over.

LEGISLATIVE RESOLUTION 370. Introduced by Day, 19.

PURPOSE: The purpose of this study is to examine the need for and to develop a financing package for the construction of a new veterans home in Norfolk.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a task force be created and designated by the Executive Board of the Legislative Council to carry out the purposes of this resolution.

2. That the task force consist of the introducers of this resolution, a member of the Building Maintenance Committee, a member of the Health and Human Services Committee, a member of the Government,

Military and Veterans Affairs Committee, and two members of the Appropriations Committee.

3. That this task force cooperate with agencies of the Executive Branch and the United States Department of Veterans Affairs.

4. That the task force shall, upon its conclusion of the study, make a report of its findings, together with its recommendations, to the Legislative Council of the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Messrs. Coordsen, Vrtiska, Schellpeper, and Dierks asked unanimous consent to print the following amendment to LB 991 in the Journal. No objections. So ordered.

AM4052

1. Strike the Moore amendment, AM3624.
2. Strike the Bohlke amendment, AM3823.
3. Strike the Warner amendment, AM3704.
4. Strike the Hall amendment, AM3943.
5. Strike the Lindsay-Chambers-Hall-Abboud-Fisher-Pedersen-Robak-Hudkins amendment, AM3953.
6. Strike the Chambers amendment, AM3979.
7. Strike the Abboud-Matzke amendment, AM4043.
8. In the Moore amendment, AM3780, strike amendments 1, 6, and 7, and renumber the remaining amendments accordingly.

Mrs. Hudkins asked unanimous consent to print the following amendment to LB 906 in the Journal. No objections. So ordered.

AM3989

1. Strike original section 1 and insert the following new section:

"Section 1. That section 28-919, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-919. (1) A person commits ~~an offense~~ the offense of tampering with a witness or informant if, believing that an official proceeding or investigation of a criminal or civil matter is pending or about to be instituted, he or she attempts to induce or otherwise cause a witness~~, informant, or juror~~ or informant to:

(a) Testify or inform falsely; ~~or~~

(b) Withhold any testimony, information, document, or thing; ~~or~~

(c) Elude legal process summoning him or her to testify or supply evidence; or

(d) Absent himself or herself from any proceeding or

investigation to which he or she has been legally summoned.

(2) A person commits the offense of jury tampering if, with intent to influence a juror's vote, opinion, decision, or other action in a case, he or she attempts directly or indirectly to communicate with a juror other than as a part of the proceedings in the trial of the case.

~~(2)~~ (3) Tampering with witnesses~~, informants, and jurors~~ or informants or jury tampering is a Class IV felony.".

Mrs. Hudkins asked unanimous consent to print the following amendment to LB 1351 in the Journal. No objections. So ordered.

AM3988

(Amendments to Standing Committee amendments, AM3473)

1. Insert the following new section:

"Sec. 4. That section 28-919, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-919. (1) A person commits ~~an offense~~ the offense of tampering with a witness or informant if, believing that an official proceeding or investigation of a criminal or civil matter is pending or about to be instituted, he or she attempts to induce or otherwise cause a witness~~, informant, or juror~~ or informant to:

(a) Testify or inform falsely; ~~or~~

(b) Withhold any testimony, information, document, or thing; ~~or~~

(c) Elude legal process summoning him or her to testify or supply evidence; or

(d) Absent himself or herself from any proceeding or investigation to which he or she has been legally summoned.

(2) A person commits the offense of jury tampering if, with intent to influence a juror's vote, opinion, decision, or other action in a case, he or she attempts directly or indirectly to communicate with a juror other than as a part of the proceedings in the trial of the case.

~~(2)~~ (3) Tampering with witnesses~~, informants, and jurors~~ or informants or jury tampering is a Class IV felony.".

2. On page 37, line 6, after the first comma insert "28-919,"; and in line 12 after the second comma insert "and also section 28-921, Reissue Revised Statutes of Nebraska, 1943,".

3. Renumber the remaining sections and correct internal references accordingly so that the section added by this amendment becomes operative on its effective date.

Mr. Hartnett asked unanimous consent to print the following amendment to LB 1223 in the Journal. No objections. So ordered.

AM3948

(Amendments to Standing Committee amendments, AM3613)

1. Insert the following new sections:

"Sec. 83. That section 79-444.01, Revised Statutes Supplement, 1993, be amended to read as follows:

79-444.01. Except as provided in sections 79-444.06 ~~to 79-444.08~~ and 79-444.07, each board of education and the governing authority of each school in this state shall require each student to be protected against measles, mumps, rubella, poliomyelitis, diphtheria, pertussis, and tetanus by immunization prior to enrollment, and any student who does not comply with this section shall not be permitted to continue in school until he or she shall so comply except as provided by section 79-444.07. Each school district shall make diligent efforts to inform families prior to the date of school registration of the immunization requirements of this section.

Except as provided in the Childhood Vaccine Act, the cost of such immunization shall be borne by the parent or guardian of each student who is immunized or by the Department of Health for those students whose parent or guardian is financially unable to meet such cost.

Sec. 84. That section 79-444.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-444.03. The Department of Health shall adopt and promulgate rules and regulations relating to the required levels of protection, provisional enrollment under the provisions of section 79-444.07, the evidence necessary to prove that the required examination or immunization has been received, and the reporting of each student's immunization status. The department may modify, add to, or delete from the list of required immunizations set out in section 79-444.01. The ~~Department of Health~~ department shall furnish local school authorities with copies of such rules and regulations and any other material which will assist in the carrying out of sections ~~79-444, 79-444.01, and 79-444.03 to 79-444.05~~ 79-444 and 79-444.01 to 79-444.07.

Sec. 85. That section 79-444.07, Revised Statutes Supplement, 1993, be amended to read as follows:

79-444.07. (1) A student may be provisionally enrolled in a school in Nebraska if he or she ~~has begun the immunizations required under section 79-444.01 and continues to receive the necessary immunizations as rapidly as is medically feasible~~ meets either of the following qualifications:

(a) The student has begun the immunizations required under section 79-444.01 and is receiving the necessary immunizations as rapidly as is medically feasible; or

(b) The student is the child or legal ward of an officer or enlisted person on active duty in any branch of the military services of the United States or of his or her

spouse, enrolling in a Nebraska school following residence in another state or in a foreign country.

(2) As a condition for the provisional enrollment of a student qualified for such enrollment under subdivision (1)(b) of this section, a parent or adult legal guardian of the student shall provide the school with a signed written statement certifying that the student has completed the course of immunizations required by section 79-444.01.

(3) The provisional enrollment of a student qualified for such enrollment under subdivision (1)(b) of this section shall not continue beyond sixty days from the date of such enrollment. At such time the school shall be provided, with regard to the student, written evidence of compliance with section 79-444.01. The student shall not be permitted to continue in school until such evidence of compliance is provided.".

2. On page 117, line 22 strike "and 71-6113," and insert "71-6113, and 79-444.03,".

3. On page 118, line 3, strike "and 71-5677," and insert "71-5677, 79-444.01, and 79-444.07,"; and in line 6, strike "and"; and in line 7 after the second comma insert "and section 79-444.08, Revised Statutes Supplement, 1993,".

4. Renumber the remaining sections accordingly.

Mr. Lynch asked unanimous consent to print the following amendment to LB 1351 in the Journal. No objections. So ordered.

AM3752

(Amendments to Standing Committee amendments, AM3473)

1. Insert the following new sections:

"Sec. 8. That section 29-210, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-210. The Nebraska State Patrol ~~is hereby authorized~~ may:

(1) ~~to keep~~ Keep a complete record of all reports filed of all personal property stolen, lost, found, pledged, or pawned~~;~~ in any city or county of this state;

(2) ~~to provide~~ Provide for the installation of a proper system and file~~;~~ and cause to be filed ~~therein~~ in such system cards containing an outline of the methods of operation employed by criminals;

(3) ~~to use~~ Use any system of identification it deems advisable~~;~~ or that may be adopted in any of the penal institutions of the state;

(4) ~~to keep~~ Keep a record consisting of duplicates of ~~measurements~~, processes, operations, plates, photographs, measurements, and descriptions of all persons confined in penal institutions of this state;

(5) ~~to procure~~ Procure and maintain, so far as

practicable, plates, photographs, descriptions, and information concerning all persons who ~~shall hereafter be~~ are convicted of a felony or imprisoned for violating the military, naval, or criminal laws of the United States; and ~~of~~ concerning well-known and habitual criminals from whatever source procurable;

(6) ~~to furnish~~ Furnish any criminal justice agency with any information, material, records, or means of identification ~~which~~ that may properly be disseminated and that it may desire in the proper administration of criminal justice;

(7) ~~to upgrade~~ Upgrade, when feasible, the existing law enforcement communications network; ~~and~~

(8) ~~to establish~~ Establish and maintain an improved system or systems by which relevant information may be collected, coordinated, and made readily available to serve qualified persons or agencies concerned with the administration of criminal justice; and

(9) Enter into cooperative agreements with federal and state repositories of criminal history record information to facilitate exchanges of such information.

Sec. 20. Any school district or governing body of a nonpublic school approved or accredited by the State Department of Education may, as a condition of employment or as part of an investigation subsequent to employment, require a nonteaching employee, contractor, or employee of a contractor who has direct access to students in a position that involves the operation of a motor vehicle for the transport of students to submit to a check of his or her criminal history record information as defined in section 29-3506. Any person for whom a criminal history record information check has been required shall sign and file a release and file a complete set of fingerprints with the school district, other requesting entity, or Nebraska State Patrol.

Sec. 21. Upon request by the school district or other requesting entity, the Nebraska State Patrol shall undertake a search for criminal history record information relating to a person described in section 20 of this act, including transmittal of the person's fingerprints to the Identification Division of the Federal Bureau of Investigation for a national criminal history record information check. The criminal history record information check shall include information concerning the person from federal repositories of such information and repositories of such information in other states if authorized by federal law or by an agreement entered into pursuant to section 29-210. The Nebraska State Patrol shall review the information and shall issue a report to the school district or other requesting entity and to the subject

of the report. The report shall state only whether or not the person has been convicted of an offense bearing a reasonable and rational relationship to employment in a position working with students as provided in section 22 of this act. The report shall not include the entire criminal history record information unless a release is filed pursuant to section 23 of this act. The requester shall pay the cost of a criminal history record information check and report.

Sec. 22. The types of offenses which may constitute offenses bearing a reasonable and rational relationship to employment in a position working with students for purposes of section 21 of this act may include, but shall not be limited to, committing, attempting to commit, conspiring to commit, or aiding and abetting any of the following offenses: Murder; manslaughter; kidnapping; sexual assault; sexual abuse; child abuse; child neglect; incest; child abandonment; prostitution; pandering; keeping a place of prostitution; sale of obscene literature or material to a minor; preparing, distributing, ordering, exhibiting, or promoting obscene literature and material; indecency with an animal; child pornography; debauching a minor; making terroristic threats; manufacturing, distributing, delivering, possessing, possessing with intent to deliver, or selling or exchanging controlled substances, imitation controlled substances, or drug paraphernalia; unlawful possession of weapons or explosive material; carrying a concealed weapon; unlawful storing or using explosives; possession of a destructive device; reckless driving; driving under the influence of alcohol or drugs; motor vehicle homicide; and repeated offenses against laws or ordinances regulating movement of traffic.

Sec. 23. Any individual receiving an adverse report from the Nebraska State Patrol pursuant to section 21 of this act may request that all of the criminal history record information be sent to his or her prospective employer by filing a signed release and written request with the Nebraska State Patrol.

Sec. 24. Nothing in sections 20 to 26 of this act shall prohibit any school district or nonpublic school from conducting other criminal record or background checks permitted by law.

Sec. 25. Criminal history record information obtained pursuant to sections 20 to 26 of this act shall remain confidential and may be released only upon the written authorization of the applicant as provided in sections 21 and 23 of this act.

Sec. 26. The Nebraska State Patrol shall adopt and promulgate rules and regulations to carry out sections 20 to 26 of this act.".

2. Amend operative date and repealer sections so

that sections 8 and 20 to 26 added by this amendment become operative on their effective date.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 1207 in the Journal. No objections. So ordered.

AM3600

(Amendments to E & R amendments, AM5680)

1. On page 11, line 20 after the second period insert "(1)".

2. On page 12, after line 5 insert the following new subsection:

"(2) This section shall not apply to any sanitary and improvement district organized prior to April 15, 1994, pursuant to Chapter 31, article 7."; and in line 6 before "For" insert "(3)".

SELECT FILE

LEGISLATIVE BILL 76. Messrs. Wehrbein and Moore offered the following amendment:

AM4053

1. On page 230, line 9, strike "A" and insert "Except as otherwise provided in this subsection, a"; in line 18 strike "and" and insert an underscored comma; and in line 23 after "circulator" insert ", and (c) a petition for the recall of a member of a governing body of a village shall be signed by registered voters equal in number to at least forty-five percent of the total vote for that office in the last general election".

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Wehrbein-Moore amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler offered the following amendment:

AM3596

1. On page 279, line 3, after the stricken comma insert "before January 1, 1996,"; and in line 5 after "district" insert "and on and after January 1, 1996, no subdistrict shall have a population greater than two times the

5 population of any other subdistrict within the district".

Mr. Preister moved the previous question. The question is, "Shall the debate now close?" The motion lost with 15 ayes, 11 nays, and 23 not voting.

MR. KRISTENSEN PRESIDING

MR. LINDSAY PRESIDING

Ms. Schimek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Beutler moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Abboud	Chambers	Lindsay	Pedersen	Schimek
Ashford	Day	Lynch	Pirsch	Wehrbein
Avery	Elmer	Matzke	Preister	Wesely
Bernard-Stevens	Hall	Monen	Rasmussen	Will
	Hartnett	Moore	Robinson	Withem
Beutler	Hillman			

Voting in the negative, 18:

Bromm	Engel	Janssen	Robak	Vrtiska
Coordsen	Fisher	Jones	Schellpeper	Wickersham
Cudaback	Haberman	Kristensen	Schmitt	Witek
Dierks	Hudkins	McKenzie		

Present and not voting, 2:

Byars	Crosby

Excused and not voting, 3:

Bohlke	Landis	Warner

The Beutler amendment was adopted with 26 ayes, 18 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Messrs. Avery and Withem offered the following amendment:

AM4080

1. Insert the following new section:

"Sec. 34. The election commissioner and chief deputy election commissioner, once appointed, qualified, bonded, and sworn into office, and the county clerk acting as the election officer, shall not hold a political party office or be a member or officer of a candidate committee for any candidate seeking public office. This section shall not prohibit a county clerk acting as the election officer from participating in his or her own reelection campaign or fundraisers.".

2. On page 14, line 16; page 15, lines 3 and 15; page 16, line 16; and page 17, line 5, strike "fifty" and insert "one hundred".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Avery moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Avery-Withem amendment was adopted with 26 ayes, 11 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Avery offered the following amendment:

AM4064

1. On page 21, line 27, after the first "clerk" insert "and shall not be a member of the same political party as the county clerk, except that any deputy county clerk for elections serving on the operative date of this section shall be allowed to continue in his or her position for as long as he or she holds the position".

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 371. Introduced by Dierks, 40; Beutler, 28; Preister, 5; Wesely, 26; Elmer, 38; Cudaback, 36; Hudkins, 21.

PURPOSE: To study the issue of drinking water contamination and explore policies which will employ methods for the prevention or alleviation of contamination of drinking water.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services, Natural Resources, and Agriculture Committees of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

ATTORNEY GENERAL'S OPINION

Opinion No. 94023

DATE: March 23, 1994

SUBJECT: Constitutionality of amendments to LB 984; Is it constitutional to require construction contractors who bid on the construction of certain ethanol projects to provide health care coverage for their employees?

REQUESTED BY: Senator C.N. "Bud" Robinson
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

LB 984 and its various amendments would modify provisions of the Ethanol Development Act, Neb. Rev. Stat. §§ 66-1330 to 66-1348 (Supp. 1993). That act provides for certain excise taxes on the production of corn and grain sorghum in Nebraska. Among other things, those excise taxes are used to furnish transferable motor fuel tax credits to producers of ethanol. To be eligible to receive such tax credits, producers of ethanol must enter into a written agreement with the state. The amendments to LB 984 which are the subject of your opinion request would have that written agreement between ethanol producers and the state require the producers, when in the process of construction, to hire only contractors who provided health care benefits to their employees through employer contributions. You wish to know "whether or not there are any constitutional problems with this type of limitation."

As we have indicated frequently in the past, a question on the general constitutionality of a pending bill will necessarily result in a general response from this office since we obviously cannot address specific questions about a bill unless they are set out in the opinion request. Op. Att'y Gen. No. 89028 (April 5, 1989); Op. Att'y Gen. No. 85157 (December 20, 1985). In this instance, you have not indicated what specific constitutional problems form the basis for your concern

involving the amendments to LB 984. Therefore, we will provide a general response on the constitutionality of the legislation.

The amendments to LB 984 at issue obviously involve a statutory classification since those contractors who provide health insurance for their employees would be treated differently from those who do not, i.e., those contractors who provide health insurance would be allowed to do construction work for ethanol producers wishing to avail themselves of tax credits from the state, while other contractors would not be allowed to do that same work. Such legislative classifications potentially violate article III, § 18 of the Nebraska Constitution which prohibits special laws or laws granting special privileges or immunities. The test for the constitutionality of legislative classifications under that constitutional provision is set out in Haman v. Marsh, 237 Neb. 699, 467 N.W.2d 836 (1991):

> A legislative classification, in order to be valid, must be based upon some reason of public policy, some substantial difference of situation or circumstances, that would naturally suggest the justice or expediency of diverse legislation with respect to objects to be classified.

Id. at 711, 467 N.W.2d at 846.

We cannot say that there is no public policy or substantial difference of situation or circumstances underlying the legislative classification created by the amendments to LB 984. For one thing, it could be argued that the amendments would further an important public policy interest in seeing that as many citizens of the state as possible have access to affordable health care coverages. Consequently, we do not believe that the proposed amendments to LB 984 violate article III, § 18 of the Nebraska Constitution.

The legislative classification inherent in the amendments to LB 984 requiring health care coverage might also involve a denial of equal protection under the Fourteenth Amendment to the United States Constitution or under article III, § 18 of the Nebraska Constitution, since those contractors who do not provide health care coverage would be denied the right to do construction work for certain ethanol producers while other contractors would enjoy that privilege. However, the test for the constitutionality of legislation under an equal protection analysis is less rigorous than the test for special legislation. Haman v. Marsh, supra. For example, in Robotham v. State, 241 Neb. 379, 488 N.W.2d 533 (1992), the court stated:

> {u}nless laws 'create suspect classifications or impinge upon constitutionally protected rights,' . . . it need only be shown that they bear 'some rational relationship to a legitimate state purpose.' "

Id. at 382, 383, 488 N.W.2d at 538. In the present instance, the distinction between contractors who provide health care benefits and those who do not does not involve a suspect classification such as a classification based upon race, religion and so forth. As a result, under the Robotham standard, the classification between categories of contractors must only bear some rational relationship to a legitimate state purpose. We believe that the state's obvious interest in

encouraging the provision of health care benefits for its citizens provides that legitimate state purpose.

Therefore, for the reasons discussed above, it is our view that the provisions in the amendments to LB 984 at issue are generally constitutional.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

05-13-14.op
cc. Patrick J. O'Donnell
Clerk of the Legislature

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 984A. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 984, Ninety-third Legislature, Second Session, 1994; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. Ashford asked unanimous consent to print the following amendment to LB 991 in the Journal. No objections. So ordered.

FA471
delete 8 million and insert 3 million (teachers pay) -

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 1224. Placed on General File as amended.
(Standing Committee amendment, AM4049, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Don Wesely, Chairperson

MOTION - Adjournment

Mr. Haberman moved to adjourn. The motion lost with 16 ayes, 22 nays, and 11 not voting.

SELECT FILE

LEGISLATIVE BILL 76. The Avery pending amendment, AM4064, found in this day's Journal, was renewed.

The Avery amendment was adopted with 25 ayes, 3 nays, 18 present and not voting, and 3 excused and not voting.

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment:
AM4083

1. On page 102, line 17, after "person" insert "residing in a county with a population of twenty-five thousand inhabitants or less".

Pending.

VISITORS

Visitors to the Chamber were Ali Rabeario from Omaha; 21 third through sixth grade students and sponsors from Farnam Public School; former Senator Thomas S. Fitzgerald from Omaha; Tom, Ruth, and Christopher Long from Eagle; a group of Guiding Star Girl Scouts from Sidney, Ogallala, Mullen, North Platte, and Scottsbluff; and Senator Hall's niece, Emily Hall, and Jennifer Klein.

The Doctor of the Day was Joe Kinzey from Lincoln.

ADJOURNMENT

At 12:33 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Monday, March 28, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-EIGHTH DAY - MARCH 28, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

FORTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 28, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Robert Varner, First Baptist Church, Falls City, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Landis and Mrs. Rasmussen who were excused; and Messrs. Abboud, Ashford, Avery, Bromm, Haberman, Hartnett, Kristensen, Lindsay, Lynch, Monen, Moore, Warner, and Will who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-seventh day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 915. Placed on Select File as amended.
E & R amendment to LB 915:
AM5728

1. Strike the original sections and all amendments thereto and insert the following sections:

"Section 1. That section 70-624, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

70-624. (1) In no event shall the compensation, as a salary or otherwise, of any general manager or president, assistant general manager or vice president, or other officer be approved except by the vote of approval of two-thirds or more of the members of the board of directors. The record of such vote of approval, together with the names of the directors so voting, shall be made a part of the permanent records of the board.

(2) The current salaries of any general manager or president or assistant general manager or vice president and all officers of the district shall be published once each year in three legal newspapers of general circulation in the district in which such general manager or president, assistant general manager or vice president, or officers are employed. The chief executive officer as described in section 70-620.01 shall be responsible for publishing the current salaries as required by this subsection. Any chief executive officer who violates this subsection shall be guilty of a Class V misdemeanor.

Sec. 2. That section 70-625, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-625. Subject to the limitations of the petition for its creation and all amendments thereto, a public power district shall have all the usual powers of a corporation for public purposes and may purchase, hold, sell, and lease personal property and real estate reasonably necessary for the conduct of its business. No district may sell household appliances at retail if the retail price of any such appliance exceeds fifty dollars, except that newly developed electrical appliances may be merchandised and sold during the period of time in which any such appliances are being introduced to the public. New models of existing appliances shall not be deemed to be newly developed appliances. An electrical appliance shall be considered to be in such introductory period of time until the particular type of appliance is used by twenty-five percent of all the electrical customers served by such district, but such period shall in no event exceed five years from the date of introduction by the manufacturer of the new appliance to the local market.

In addition to its powers authorized by Chapter 70 and specified in its petition for creation as amended, a public power district may sell, lease, and service satellite television signal descrambling or decoding devices, ~~and~~ satellite television programming, and equipment and services associated with such devices and programming, except that nothing in this section shall authorize public power districts (1) to operate as contract or common carriers engaged in furnishing communication services for hire in Nebraska

intrastate commerce, ~~or~~ (2) to provide signal descrambling or decoding devices or satellite programming to any location (a) being furnished such devices or programming on April 24, 1987, or (b) where community antenna television service is available from any person, firm, or corporation holding a franchise pursuant to sections 18-2201 to 18-2206 or a permit pursuant to sections 23-383 to 23-388 on April 24, 1987, or (3) to sell, service, or lease C-band satellite dish systems or repair parts.

Notwithstanding any law, ordinance, resolution, or regulation of any political subdivision to the contrary, each public power district may receive funds and extend loans pursuant to the Nebraska Investment Finance Authority Act.

Sec. 3. Sections 1 and 4 of this act shall become operative on January 1, 1995. The other sections of this act shall become operative on their effective date.

Sec. 4. That original section 70-624, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 5. That original section 70-625, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, strike beginning with "section" in line 1 through line 4 and insert "sections 70-624 and 70-625, Reissue Revised Statutes of Nebraska, 1943; to provide duties for the chief executive officer relating to the publication of salaries; to provide a penalty; to change provisions relating to satellite television sales, leases, and services; to provide operative dates; to repeal the original sections; and".

LEGISLATIVE BILL 1031. Placed on Select File as amended.
E & R amendment to LB 1031:
AM5720

1. On page 1, strike beginning with "to" in line 2 through line 4 and insert "to require the Environmental Quality Council to establish a fee schedule in adopting regulations for hazardous waste management; to change provisions relating to such fee schedule; to repeal the original section; and to declare an emergency.".

LEGISLATIVE BILL 1087. Placed on Select File.

LEGISLATIVE BILL 1165. Placed on Select File as amended.
(E & R amendment, AM5721, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 1236. Placed on Select File as amended.
E & R amendment to LB 1236:
AM5723

1. On page 1, line 7, after "for" insert "the"; and in line 10 after the semicolon insert "and".

LEGISLATIVE BILL 1313. Placed on Select File as amended.
E & R amendment to LB 1313:
AM5722

1. On page 4, line 27, strike "subsection" and insert "subdivision".

LEGISLATIVE BILL 1313A. Placed on Select File.

LEGISLATIVE BILL 984. Placed on Select File as amended.
E & R amendment to LB 984:
AM5724

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 66-1330, Revised Statutes Supplement, 1993, be amended to read as follows:

66-1330. Sections 66-1330 to 66-1348 and sections 2 to 4 of this act shall be known and may be cited as the Ethanol Development Act.

Sec. 2. There is hereby levied an excise tax upon all corn and grain sorghum sold through commercial channels in the State of Nebraska or sold for use in the State of Nebraska. Except as otherwise provided in this section, the tax shall be three-quarters of one cent per bushel for corn and three-quarters of one cent per hundredweight for grain sorghum. The excise tax shall be imposed on all sales occurring on or after July 1, 1994, and before January 1, 2001. Commencing July 1, 1998, and each July 1 thereafter, the State Board of Equalization and Assessment shall determine whether the Ethanol Production Incentive Cash Fund has sufficient money to pay the credits created in section 66-1344 and, if it finds that there is sufficient money, may reduce or eliminate the excise tax until the next July 1 determination. The tax shall be in addition to any fee imposed pursuant to sections 2-3623, 2-3627, and 2-4012. The excise tax shall be levied and imposed on the seller at the time of sale or delivery and shall be collected by the first purchaser. The tax shall be collected, administered, and enforced by the Department of Agriculture. No corn or grain sorghum shall be subject to the tax more than once. In the case of a pledge or mortgage of corn or grain sorghum as security for a loan under the federal price support program, the excise tax shall be deducted from the proceeds of such loan at the time the loan is made. The excise tax shall be deducted whether the corn or

grain sorghum is stored in this or any other state. The excise tax shall not apply to the sale of corn or grain sorghum to the federal government for ultimate use or consumption by the people of the United States when the State of Nebraska is prohibited from imposing such tax by the Constitution of the United States and laws enacted pursuant thereto.

Sec. 3. (1) The purchaser, at the time of settlement, shall deduct the excise tax as provided in section 2 of this act and shall maintain the necessary record of the excise tax for each purchase of corn or grain sorghum on the grain settlement form or check stub showing payment to the seller for each purchase. The amount of excise tax paid by the seller under such section shall be stated separately from other fees on the grain settlement form given to the seller at the time of the sale. Records maintained by the purchaser shall provide the following information: (a) The name and address of the seller; (b) the date of the purchase; (c) the number of bushels of corn and hundredweights of grain sorghum sold; (d) the amount of excise tax collected on each purchase; and (e) the amount of corn or grain sorghum which was not first purchased in Nebraska but was transported into Nebraska for use in this state. The records shall be open for inspection and audit by authorized representatives of the board during normal business hours observed by the purchaser.

(2) The purchaser shall render and have on file with the Department of Agriculture by the last day of each month on forms prescribed by the department a statement of the number of bushels of corn and hundredweights of grain sorghum purchased in Nebraska. At the time the statement is filed, the purchaser shall pay and remit to the department the excise tax.

(3) The department shall remit the excise taxes collected under this section to the State Treasurer for credit to the Ethanol Production Incentive Cash Fund within thirty days after the end of each month.

Sec. 4. Any person violating any of the provisions of sections 2 and 3 of this act shall be guilty of a Class III misdemeanor.

Sec. 5. That section 66-1344, Revised Statutes Supplement, 1993, be amended to read as follows:

66-1344. (1) Each producer of ethanol shall receive a credit pursuant to this section of twenty cents per gallon of ethanol produced in Nebraska, which credit shall be in the form of a nonrefundable transferable motor fuel tax credit certificate. After July 1, 1994, no such credit shall be given for ethanol produced at an ethanol facility which was in production on or before January 1, 1992, unless on or before July 1, 1994, the name plate design capacity for the

production of ethanol, before denaturing, at the facility has been expanded to equal at least two times the name plate design capacity for production of ethanol, before denaturing, existing at the facility as of January 1, 1992.

(2) Any ethanol facility which is in production at the rate of at least twenty-five percent of its name plate design capacity for the production of ethanol, before denaturing, on or before December 31, 1992, shall receive a credit of twenty cents per gallon of ethanol produced beginning with the first month for which it is eligible to receive such credit and ending not later than December 31, 1997.

(3) Any ethanol facility which is not in production on or before December 31, 1992, but which is in production at the rate of at least twenty-five percent of its name plate design capacity for the production of ethanol, before denaturing, on or before December 31, 1995, shall receive a credit of twenty cents per gallon of ethanol produced for sixty months beginning with the first month for which it is eligible to receive such credit and ending not later than December 31, 2000.

(4) Any ethanol facility eligible for a credit under subsection (1), (2), or (3) of this section shall also receive a credit of twenty cents per gallon of ethanol produced in excess of the original name plate design capacity which results from expansion of the facility completed on or before December 31, 1995. Such credit shall be for sixty months beginning with the first month for which production from the expanded facility is eligible to receive such credit and ending not later than December 31, 2000.

(5) The credit shall be given only for ethanol produced at a plant in Nebraska at which all fermentation, distillation, and dehydration takes place. Not less than two million gallons and not more than twenty-five million gallons of ethanol produced annually at an ethanol facility shall be eligible for the credit, and the credit may only be claimed by a producer for the period specified in subsection (2), (3), or (4) of this section.

(6) The Department of Revenue shall prescribe an application form and procedures for claiming the credit and shall adopt and promulgate rules and regulations to carry out this section.

(7) For purposes of ascertaining the correctness of any application for claiming the credit provided in this section, the Tax Commissioner (a) may examine or cause to have examined, by any agent or representative designated by him or her for that purpose, any books, papers, records, or memoranda bearing upon such matters, (b) may by summons require the attendance of the person responsible for rendering the

application or other document or any officer or employee of such person or the attendance of any other person having knowledge in the premises, and (c) may take testimony and require proof material for his or her information, with power to administer oaths or affirmations to such person or persons. The time and place of examination pursuant to this subsection shall be such time and place as may be fixed by the Tax Commissioner and as are reasonable under the circumstances. In the case of a summons, the date fixed for appearance before the Tax Commissioner shall not be less than twenty days from the time of service of the summons. No taxpayer shall be subjected to unreasonable or unnecessary examinations or investigations. All records obtained pursuant to this subsection shall be subject to the confidentiality requirements and exceptions thereto as provided in section 77-27,119.

Sec. 6. That section 66-1345, Revised Statutes Supplement, 1993, be amended to read as follows:

66-1345. (1) There is hereby created the Ethanol Production Incentive Cash Fund which shall be used by the board to pay the credits created in section 66-1344 to the extent provided in this section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276. ~~On or before September 1, 1993, the~~ The State Treasurer shall transfer to the Ethanol Production Incentive Cash Fund three million dollars from the General Fund annually and ~~the entire balance of the Ethanol Authority and Development Cash Fund and thereafter shall transfer~~ such ~~additional~~ money as shall be (a) otherwise appropriated to the Ethanol Production Incentive Cash Fund by the Legislature, (b) given as gifts, bequests, grants, or other contributions to the Ethanol Production Incentive Cash Fund from public or private sources, (c) made available due to failure to fulfill conditional requirements pursuant to investment agreements entered into prior to April 30, 1992, (d) received as return on investment of the Ethanol Authority and Development Cash Fund, and (e) ~~otherwise~~ credited to the Ethanol Production Incentive Cash Fund from ~~sources deemed appropriate by the Legislature~~ the excise tax imposed by sections 2 and 3 of this act.

(2) ~~Commencing January 1, 1993, the~~ The Department of Revenue shall, at the end of each calendar quarter, notify the State Treasurer of the amount of motor fuel tax that was not collected in the preceding calendar quarter due to the credits provided in section 66-1344. The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund an amount equal to such credits less the following amounts:

(a) For 1993, 1994, and 1995, the amount generated during the calendar quarter by a one-cent tax on motor fuel pursuant to sections 66-489 and 66-605.07;

(b) For 1996, the amount generated during the calendar quarter by a three-quarters-cent tax on motor fuel pursuant to such sections;

(c) For 1997, the amount generated during the calendar quarter by a one-half-cent tax on motor fuel pursuant to such sections; and

(d) For 1998, 1999, and 2000, no reduction.

The amounts shall be transferred through December 31, 2000. For 1993 through 1997, if the amount generated pursuant to subdivisions (a), (b), and (c) of this subsection and the amount transferred pursuant to subsection (1) of this section are not sufficient to fund the credits provided in section 66-1344, then the credits shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and 2000, the credits provided in such section shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund.

(3) On February 15, 2001, the State Treasurer shall transfer any unexpended and unobligated funds from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund.

Sec. 7. That section 66-1347, Revised Statutes Supplement, 1993, be amended to read as follows:

66-1347. (1) The Tax Commissioner, the administrator of the board, and the producer eligible to receive credit under section 66-1344 shall enter into a written agreement. The producer shall agree to produce ethanol at the designated facility and any expansion thereof. The Tax Commissioner and administrator, on behalf of the State of Nebraska, shall agree to furnish the producer the tax credits as provided by and limited in such section in effect on the date of the agreement. The agreement to produce ethanol in return for the credit shall be sufficient consideration, and the agreement shall be binding upon the state. No credit shall be given to any producer of ethanol which fails to produce ethanol in Nebraska in compliance with the agreement. The agreement shall include:

~~(1)~~ (a) The name of the producer;

~~(2)~~ (b) The address of the ethanol facility;

~~(3)~~ (c) The date of the initial eligibility of the ethanol facility to receive such credits;

~~(4)~~ (d) The name plate design capacity of the ethanol facility as of the date of its initial eligibility to receive such credits; and

~~(5)~~ (e) The name plate design capacity which the

facility is intended to have after the completion of any proposed expansion. If no expansion is contemplated at the time of the initial agreement, the agreement may be amended to include any proposed expansion.

(2) The board and the Department of Revenue shall prepare quarterly projections on the use of the Ethanol Production Incentive Cash Fund. The projections shall include the number of gallons for which each eligible producer has claimed credit, the amount of credit furnished to each eligible producer by the Tax Commissioner, and the amount of future credits each eligible producer may receive under section 66-1344. In addition to the report required by section 66-1336, the board shall submit a report to the Legislature by December 1 of each year summarizing the use of the fund and detailing the forecasted use of the fund. The report shall also include all the information provided in agreements entered into pursuant to this section and the projections which are to be prepared. The department shall furnish all the pertinent facts and data to the board for purposes of fulfilling its obligations pursuant to this section.

Sec. 8. Any ethanol facility eligible for tax credits or incentives under the Ethanol Development Act, the Employment and Investment Growth Act, or the Employment Expansion and Investment Incentive Act shall whenever possible employ workers who are residents of the State of Nebraska.

Sec. 9. That original sections 66-1330, 66-1344, 66-1345, and 66-1347, Revised Statutes Supplement, 1993, are repealed.

Sec. 10. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, strike beginning with "and" in line 1 through line 4 and insert ", 66-1344, 66-1345, and 66-1347, Revised Statutes Supplement, 1993; to impose an excise tax on corn and grain sorghum to pay for certain credits; to provide procedures for collection and administration of the tax; to provide a penalty; to change provisions relating to credits for production of ethanol; to provide for transfer of General Funds; to require ethanol facilities to employ Nebraska residents as prescribed; to".

(Signed) Janis M. McKenzie, Chairperson

REPORT

Received area summaries from the Department of Labor for the state, Omaha, Lincoln, and Nebraska Labor Market Areas, on employment and unemployment rates.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: 354.

RESOLUTIONS

LEGISLATIVE RESOLUTION 355. Read. Considered.

LEGISLATIVE RESOLUTION 364. Read. Considered.

LEGISLATIVE RESOLUTION 356. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 355, 364, and 356 were adopted with 26 ayes, 0 nays, and 23 not voting.

GENERAL FILE

LEGISLATIVE BILL 695A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 974A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1243A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 241.

A BILL FOR AN ACT relating to veterans aid; to amend section 80-401.01, Revised Statutes Supplement, 1993; to change provisions relating to recognized veterans organizations; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Ashford	Crosby	Hartnett	Pedersen	Vrtiska
Avery	Cudaback	Hillman	Pirsch	Warner
Bernard-Stevens	Day	Hudkins	Preister	Wehrbein
Beutler	Dierks	Janssen	Robinson	Wickersham
Bohlke	Elmer	Jones	Schellpeper	Will
Byars	Engel	Lynch	Schimek	Witek
Coordsen	Fisher	Matzke	Schmitt	Withem
	Hall	McKenzie		

Voting in the negative, 0.

Present and not voting, 3:

Haberman	Robak	Wesely

Excused and not voting, 9:

Abboud	Chambers	Landis	Monen	Rasmussen
Bromm	Kristensen	Lindsay	Moore	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 570.

A BILL FOR AN ACT relating to the environment; to amend section 28-523, Reissue Revised Statutes of Nebraska, 1943, sections 81-1501, 81-1504, 81-1508, and 81-1532, Revised Statutes Supplement, 1992, and sections 39-310, 39-311, 81-1502, 81-1505, and 81-1506, Revised Statutes Supplement, 1993; to provide and harmonize penalties for littering; to state intent; to redefine terms; to provide powers and duties for the Department of Environmental Quality; to change provisions relating to certain permit procedures; to change and provide penalties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Ashford	Byars	Elmer	Hudkins	Pedersen
Avery	Coordsen	Engel	Janssen	Pirsch
Bernard-Stevens	Crosby	Fisher	Jones	Preister
Beutler	Cudaback	Hall	Lynch	Robak
Bohlke	Day	Hartnett	Matzke	Robinson
	Dierks	Hillman	McKenzie	Schellpeper

Schimek	Vrtiska	Wehrbein	Wickersham	Witek
Schmitt	Warner	Wesely	Will	Withem

Voting in the negative, 0.

Present and not voting, 1:

Haberman

Excused and not voting, 9:

Abboud	Chambers	Landis	Monen	Rasmussen
Bromm	Kristensen	Lindsay	Moore	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 663.

A BILL FOR AN ACT relating to criminal history record information; to provide for checks of persons residing at certain premises as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Ashford	Crosby	Hartnett	Pedersen	Vrtiska
Avery	Cudaback	Hillman	Pirsch	Warner
Bernard-Stevens	Day	Hudkins	Preister	Wehrbein
	Dierks	Janssen	Robak	Wesely
Beutler	Elmer	Jones	Robinson	Wickersham
Bohlke	Engel	Lynch	Schellpeper	Will
Byars	Fisher	Matzke	Schimek	Witek
Coordsen	Hall	McKenzie	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 1:

Haberman

Excused and not voting, 9:

Abboud	Chambers	Landis	Monen	Rasmussen
Bromm	Kristensen	Lindsay	Moore	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 681.

A BILL FOR AN ACT relating to political subdivisions; to require an appraisal as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Ashford	Crosby	Hartnett	Pedersen	Warner
Avery	Cudaback	Hillman	Pirsch	Wehrbein
Bernard-Stevens	Day	Hudkins	Preister	Wesely
Beutler	Dierks	Janssen	Robak	Wickersham
Bohlke	Elmer	Jones	Schellpeper	Will
Byars	Engel	Lynch	Schimek	Witek
Coordsen	Fisher	Matzke	Schmitt	Withem
	Hall	McKenzie	Vrtiska	

Voting in the negative, 0.

Present and not voting, 2:

Haberman Robinson

Excused and not voting, 9:

Abboud	Chambers	Landis	Monen	Rasmussen
Bromm	Kristensen	Lindsay	Moore	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 819.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-501.02 and 71-506, Reissue Revised Statutes of Nebraska, 1943, and sections 71-502.04 and 71-503.01, Revised Statutes Supplement, 1992; to change provisions relating to services provided under the statewide acquired immunodeficiency syndrome program; to change reporting requirements regarding disease, illness, or poisoning; to provide for confidentiality of investigations; to provide a penalty; to require informed consent for certain tests; to provide powers and duties for the Department of Health; to state intent; to define terms; to provide for testing of certain patients for infectious disease; to provide

for confidentiality of test results; to provide duties for certain health care provider agencies; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Ashford	Dierks	Janssen	Pedersen	Vrtiska
Avery	Elmer	Jones	Pirsch	Warner
Beutler	Engel	Kristensen	Preister	Wehrbein
Bohlke	Fisher	Lindsay	Robak	Wesely
Byars	Hall	Lynch	Robinson	Wickersham
Coordsen	Hartnett	Matzke	Schellpeper	Will
Crosby	Hillman	McKenzie	Schimek	Witek
Cudaback	Hudkins	Monen	Schmitt	Withem
Day				

Voting in the negative, 0.

Present and not voting, 2:

Bernard-Stevens	Haberman

Excused and not voting, 6:

Abboud	Chambers	Landis	Moore	Rasmussen
Bromm				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 987.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 71-1,135.02, 71-1,135.03, 71-1,136, and 85-984, Reissue Revised Statutes of Nebraska, 1943, and sections 85-9,122 and 85-9,145, Revised Statutes Supplement, 1992; to change provisions relating to accrediting organizations; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Ashford	Cudaback	Hillman	Monen	Schmitt
Avery	Day	Hudkins	Pedersen	Vrtiska
Bernard-Stevens	Dierks	Janssen	Pirsch	Warner
Beutler	Elmer	Jones	Preister	Wehrbein
Bohlke	Engel	Lindsay	Robak	Wesely
Byars	Fisher	Lynch	Robinson	Wickersham
Coordsen	Hall	Matzke	Schellpeper	Will
Crosby	Hartnett	McKenzie	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 3:

Haberman	Kristensen	Witek

Excused and not voting, 6:

Abboud	Chambers	Landis	Moore	Rasmussen
Bromm				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 286. With Emergency.

A BILL FOR AN ACT relating to employment security; to amend section 48-669, Reissue Revised Statutes of Nebraska, 1943, sections 48-624 and 48-628, Revised Statutes Supplement, 1992, and section 48-602, Revised Statutes Supplement, 1993; to define terms; to change conditions disqualifying an individual from benefits as prescribed; to change the weekly benefit amount; to require cancellation of wage credits for certain misconduct; to change provisions relating to applicability of legislative changes; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Bohlke	Elmer	Hudkins	Matzke
Ashford	Byars	Engel	Janssen	McKenzie
Avery	Coordsen	Fisher	Jones	Monen
Bernard-Stevens	Crosby	Hall	Kristensen	Moore
Beutler	Cudaback	Hartnett	Lindsay	Pedersen
	Day	Hillman	Lynch	Pirsch

Preister	Schellpeper	Vrtiska	Wesely	Witek
Robak	Schimek	Warner	Wickersham	Withem
Robinson	Schmitt	Wehrbein	Will	

Voting in the negative, 0.

Present and not voting, 2:

Dierks Haberman

Excused and not voting, 4:

Bromm Chambers Landis Rasmussen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 137. Mr. Kristensen withdrew the Kristensen et al. amendment, FA292, found in the Journal on page 2678, First Session, 1993, and the remaining portion of AM2161, found in the Journal on page 2624, First Session, 1993.

Mr. Kristensen withdrew his amendments, AM2215 and AM2216, found in the Journal on pages 2626 and 2627, First Session, 1993.

Mr. Will withdrew his amendment, AM3758, found in the Journal on page 1263.

Mr. Kristensen renewed his pending amendment, AM3832, found in the Journal on page 1280.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 241, 570, 663, 681, 819, 987, and 286.

SELECT FILE

LEGISLATIVE BILL 137. The Kristensen pending amendment, AM3832, found in the Journal on page 1280 and considered in this day's Journal, was renewed.

Mr. Dierks offered the following amendment to the Kristensen pending amendment:
AM4108

(Amendments to AM3832)

1. Insert the following new section:

"Section 1. That section 25-223, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-223. Any action to recover damages based on any alleged breach of warranty on improvements to real property or based on any alleged deficiency in the design, planning, supervision, or observation of construction, or construction of an improvement to real property shall be commenced within four years after any alleged act or omission constituting such breach of warranty or deficiency. If such cause of action is not discovered and could not be reasonably discovered within such four-year period, or within one year preceding the expiration of such four-year period, then the cause of action may be commenced within two years from the date of such discovery or from the date of discovery of facts which would reasonably lead to such discovery, whichever is earlier. ~~In no event may any~~ No action may be commenced to recover damages for an alleged breach of warranty on improvements to real property or deficiency in the design, planning, supervision, or observation of construction, or construction of an improvement to real property more than ten years beyond the time of the act giving rise to the cause of action, except that the ten-year time limitation in this section shall not apply to the construction, design, or assembly of any facility used for the storage or disposal of low-level radioactive waste.

Sec. 4. That original sections 25-223 and 25-224, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. On page 1, line 1, strike "section 1" and insert "sections 1 and 3"; in line 2 strike "section" and insert "sections"; and in line 21 strike the second "or" and insert an underscored comma.

3. On page 2, line 2, after "body" insert ", or (c) if the product liability action involves the construction, design, or assembly of any facility used for the storage or disposal of low-level radioactive waste".

4. Renumber the remaining section accordingly.

Mr. Bernard-Stevens moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Dierks moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Dierks requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Abboud	Bohlke	Haberman	Lindsay	Schmitt
Ashford	Coordsen	Hartnett	Monen	Vrtiska
Avery	Cudaback	Hudkins	Preister	Wesely
Bernard-Stevens	Day	Janssen	Schellpeper	Wickersham
Beutler	Dierks	Jones	Schimek	Witek
	Engel			

Voting in the negative, 7:

Bromm	Kristensen	Moore	Warner	Will
Fisher	Matzke			

Present and not voting, 12:

Byars	Hillman	Pedersen	Robak	Wehrbein
Crosby	Lynch	Pirsch	Robinson	Withem
Elmer	McKenzie			

Absent and not voting, 1:

Hall

Excused and not voting, 3:

Chambers	Landis	Rasmussen

The Dierks amendment was adopted with 26 ayes, 7 nays, 12 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Hall moved to reconsider the Dierks amendment, AM4108, just adopted, to the Kristensen pending amendment.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Hall motion to reconsider prevailed with 28 ayes, 14 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The Dierks amendment, AM4108, found in this day's Journal, to the Kristensen pending amendment, AM3832, was reconsidered.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dierks moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Dierks requested a roll call vote on his reconsidered amendment, AM4108.

Voting in the affirmative, 17:

Abboud	Bohlke	Hartnett	Preister	Schmitt
Bernard-Stevens	Coordsen	Hudkins	Schellpeper	Wesely
Beutler	Day	Janssen	Schimek	Witek
	Dierks	Jones		

Voting in the negative, 15:

Ashford	Engel	Hall	Moore	Warner
Bromm	Fisher	Kristensen	Pirsch	Will
Elmer	Haberman	Matzke	Robinson	Withem

Present and not voting, 14:

Avery	Crosby	Lindsay	Pedersen	Wehrbein
Byars	Cudaback	McKenzie	Robak	Wickersham
Chambers	Hillman	Monen	Vrtiska	

Excused and not voting, 3:

Landis	Lynch	Rasmussen

The Dierks amendment lost with 17 ayes, 15 nays, 14 present and not voting, and 3 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS

Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Ethanol Board
Dan Hughes
Ron Stewart
Clinton K. Jensen
J. Patrick Hillebrandt
Gary S. Goldberg
Toby Dellamano

VOTE: Aye: Senators Beutler, Bohlke, Elmer, Jones, McKenzie, and Preister. Absent: Senators Bromm and Monen.

LEGISLATIVE BILL 1034. Placed on General File as amended. (Standing Committee amendment, AM3959, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Chris Beutler, Chairperson

NOTICE OF COMMITTEE HEARING
Health and Human Services

Governor Appointments Wednesday, April 6, 1994 1:00 p.m.
Michael Cullan - Board of Health
Janet Haun - Commission for the Hearing Impaired
Michael Gooch - Commission for the Hearing Impaired
Richard McCowin - Commission for the Hearing Impaired

(Signed) Don Wesely, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 372. Introduced by Robak, 22.

PURPOSE: To study the possibility of modifying the statutes relating to the criminal history record information system in the state in order to allow for the expungement of certain criminal history information and public records. This issue was raised by LB 965, Ninety-third Legislature, Second Session, 1994.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 373. Introduced by Robak, 22.

PURPOSE: This resolution seeks to reestablish the task force created by Legislative Resolution 405, Ninety-second Legislature, Second Session, 1992, and reestablished by Legislative Resolution 100, Ninety-third Legislature, First Session, 1993. The task force shall seek to accomplish the following:

a. Continue the examination of how the state's mental health services, including inpatient, outpatient, and informational services, are administered through the Department of Public Institutions and the mental health regional structure and determine if the present system best serves the needs of the citizens of Nebraska who are or who could benefit by being consumers of these services; and

b. Specifically study the relationship between the federal Medicaid Rehabilitation Option and related funding mechanisms and the administrative and structural organization of institutions and community-based mental health services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the task force established pursuant to Legislative Resolution 405, Ninety-second Legislature, Second Session, 1992, and reestablished by Legislative Resolution 100, Ninety-third Legislature First Session, be reconstituted and designated by the Executive Board of the Legislative Council to conduct an interim study to carry out the purposes of this resolution.

2. That the task force, as specified by Legislative Resolution 405, Ninety-second Legislature, Second Session, 1992, and reestablished by Legislative Resolution 100, Ninety-third Legislature, First Session, consist of the introducer of this legislative resolution, a representative of the Health and Human Services Committee, a representative of the Government, Military and Veterans Affairs Committee, and a representative of the Appropriations Committee of the Legislature.

3. That the task force shall, upon conclusion of the study, make a report of its findings, together with its recommendations, to the Legislative Council of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 374. Introduced by Fisher, 35.

WHEREAS, as the career exploration process begins, we have a responsibility of supplying comprehensive and relevant information to our Nebraska high school students to help them in determining important educational and vocational goals; and

WHEREAS, the United States Department of Defense develops and administers the Armed Services Vocational Aptitude Battery (ASVAB) to assess capabilities of young people about to enter the military; and

WHEREAS, the Department of Defense also offers the ASVAB to high schools throughout the State of Nebraska at no cost to the schools or students and without military obligation, providing one of the best and most widely used vocational aptitude indices in the country; and

WHEREAS, the current ASVAB 18/19 Career Exploration Program contains comprehensive career exploration materials which are easily integrated into schools' career guidance programs; and

WHEREAS, the Exploring Careers Workbook teaches students a comprehensive way to explore careers whereby they can match their ASVAB scores, along with interest results and personal preferences, to a wide range of over two hundred civilian or military occupations. A component of this workbook is an interest inventory, the Self-Directed Search (TM) (SDS), which is provided free to every student taking the ASVAB; and

WHEREAS, approximately ninety percent of the high schools in Nebraska's educational system participate in the ASVAB 18/19 Career Exploration Program each year.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes the week of March 30 through April 5, 1994, as Armed Services Vocational Aptitude Battery (ASVAB) 18/19 Career Exploration Program Week.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Coordsen asked unanimous consent to print the following amendment to LB 76 in the Journal. No objections. So ordered.

FA473

On page 279, Line 5, after subdistrict, insert, "except Little Blue Natural Resources District,"

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 28, 1994, at 10:35 a.m., were the following bills: 241, 570, 663, 681, 819, 987, and 286.

(Signed) Rosie Ziems

Clerk of the Legislature's Office

MOTION - Reconsider Action on LB 76

Mr. Avery moved to reconsider the Beutler amendment, AM3596, to LB 76.

Laid over.

VISITORS

Visitors to the Chamber were Senator Vrtiska's sister and brother-in-law, Florene and Andrew Schultz; Minoru Okuda from Osaka, Japan; 80 seniors and sponsor from Beatrice High School; Edna Turvold, Orville Walswick, and Della Newlin from Northwood, Iowa; 35 tenth through twelfth grade students and sponsor from the German American Society, Omaha; Julia Asbahr Muller from Grossenaspe, Germany and L. J. McDowell; 72 sixth grade students and teachers from Sheridan Elementary School, Lincoln; and 48 tenth grade students and sponsors from District 15.

RECESS

At 11:59 a.m., on a motion by Mr. Will, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Robak presiding.

ROLL CALL

The roll was called and all members were present except Mr. Landis and Mrs. Rasmussen who were excused; and Messrs. Coordsen, Dierks, Haberman, Hall, Hartnett, Lynch, Moore, Will, Mmes. McKenzie, and Robak who were excused until they arrive.

MESSAGES FROM THE GOVERNOR

March 25, 1994

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 211, 211A, 291, 291A, 436, 1001, 1001A, 498, and 498A were received in my office on March 23, 1994.

These bills were signed by me on March 25, 1994, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

March 28, 1994

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

I am returning LB 436A without my signature and with my objections.

The bill requires the expenditure of general funds for the purpose of hiring a half of an FTE. This FTE will perform psychological evaluations of juveniles who are court ordered to the Geneva and Kearney Youth Development facilities. These evaluations are used by both the state and courts in determining the appropriate placement and treatment for each youth evaluated.

Current policy does not require the evaluation of each individual youth who is sent to these facilities. Passage of LB 436 will require that each youth receive an evaluation. This will increase the number of evaluations being performed at Geneva by 190. This is a substantial increase in workload for the current psychologist working in the Geneva facility.

To address the increased workload, the Department of Corrections has requested and received second round approval for an increase in PSL from the Legislature. This approval is contained in LB 991, the appropriations bill for 1994.

Due to the language in LB 991 and carry-over funds, the Department of Corrections will be able to fund this position without the passage of LB 436A. The obligations contained in LB 436 will be accomplished without additional expenditures of state general funds.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:kmv

REPORT

Received annual report from the Nebraska Energy Office for fiscal year 1992-1993 in accordance with provisions of Section 81-1607, Nebraska Revised Statutes (1988 Supplement).

GENERAL FILE

LEGISLATIVE BILL 1351. Title read. Considered.

Standing Committee amendment, AM3473, printed separately from the Journal and referred to on page 1061, was considered.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:
FA474
(Section 11 of AM3473 is on file in the Clerk's Office - Room 2018.)

Mr. Chambers offered the following amendment to the first Standing Committee amendment:
FA478
Amend AM3473, Section 11, page 19:
line 19 after "shall" insert "not"
line 20 after "appeal" insert "." and strike remaining new language.

Mrs. Hillman and Mr. Moore asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 7:

Bernard-Stevens	Beutler	Byars	Hall	Schimek
	Bohlke	Chambers		

Voting in the negative, 25:

Abboud	Ashford	Bromm	Coordsen	Cudaback

Engel	Jones	Monen	Schmitt	Wesely
Fisher	Lindsay	Pirsch	Vrtiska	Will
Haberman	Matzke	Robinson	Warner	Witek
Janssen	McKenzie	Schellpeper	Wehrbein	Withem

Present and not voting, 10:

Avery	Day	Elmer	Hudkins	Preister
Crosby	Dierks	Hartnett	Pedersen	Wickersham

Excused and not voting, 7:

Hillman	Landis	Moore	Rasmussen	Robak
Kristensen	Lynch			

The Chambers amendment lost with 7 ayes, 25 nays, 10 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Lindsay moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Lindsay requested a roll call vote on the first Standing Committee amendment.

Voting in the affirmative, 30:

Abboud	Cudaback	Hudkins	Pirsch	Warner
Ashford	Day	Janssen	Robak	Wehrbein
Avery	Dierks	Jones	Robinson	Wesely
Bohlke	Elmer	Matzke	Schellpeper	Will
Bromm	Engel	McKenzie	Schmitt	Witek
Byars	Fisher	Pedersen	Vrtiska	Withem

Voting in the negative, 6:

Beutler	Hall	Monen	Schimek	Wickersham
Chambers				

Present and not voting, 6:

Bernard-Stevens	Coordsen	Hartnett	Lindsay	Preister
	Crosby			

Excused and not voting, 7:

Haberman	Kristensen	Lynch	Moore	Rasmussen
Hillman	Landis			

The first Standing Committee amendment was adopted with 30 ayes, 6 nays, 6 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Messrs. Wesely and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 21. Placed on General File.

(Signed) Jerome Warner, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 94024

DATE: March 24, 1994

SUBJECT Use of Keno Lottery Proceeds to Provide Funding to Nonprofit Foundation for the Acquisition and Construction of a Community Recreation and Fitness Center.

REQUESTED BY: Senator Jerome Warner
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion on several questions pertaining to the propriety of a city providing funding to a charitable organization to aid in operating a community recreation and fitness center. A private, not-for-profit corporation located in a city in your district {the "Foundation"} is currently raising funds for the construction of a community recreation and fitness center {the "Center"} to be located in the city.[1] The Foundation is exempt from federal income taxation under I.R.C. § 501(c)(3). The Foundation will own, operate, and maintain the Center. The Center will be acquired, built, equipped, staffed and maintained by utilizing a combination of funding from charitable donations, as well as membership and user fees. The Center will be open to the public, including, but not limited to, citizens of the city. The Center will not discriminate against potential employees or patrons on the basis of race, color, national origin or disability, subject to its

ability to set reasonable rules and regulations regarding health and safety and subject to the power to set reasonable user fees. There is currently no public recreational center such as the proposed Center located in the city. The city does not have the revenues to construct, equip, operate and maintain such a project.

Your first question is whether the city may lawfully "appropriate a sum of money to the Foundation for the express purpose of contributing to the acquisition, construction and equipping of the proposed Center;. . . ." In this regard, we assume that you are asking if the City may expend public funds generated through taxation for this purpose.

In United Community Services v. Omaha Nat'l Bank, 162 Neb. 786, 77 N.W.2d 576 (1956), the Nebraska Supreme Court considered, in part, whether a public power district could lawfully make contributions to a "Community Chest" operating within the area served by the district. The Community Chest provided funds to support various agencies engaged in charitable and eleemosynary activities in the district. The Court noted the general rule that "'* * * a municipality cannot give away its property or expend money for purposes other than corporate ones, and it follows that a municipality has no power in any manner to dispose of property of the corporation without consideration, where not for a corporate purpose.'" Id. at 791, 77 N.W.2d at 582 (quoting 10 McQuillin, Municipal Corporations § 28.43 (3d ed.)). The district, however, contended that it could lawfully make the contributions under its general powers, and that the donations constituted ordinary expenses, and not a gift. 162 Neb. at 791-92, 77 N.W.2d at 583.

In analyzing the district's contention, the Court reiterated the rule that "'* * * a municipal corporation 'possesses, and can exercise, the following powers, and no others; First, those granted in express words; second, those necessarily or fairly implied in or incident to the powers expressly granted; third, those essential to the declared objects and purposes of the corporation--not simply convenient, but indispensable.'" Id. at 793, 77 N.W.2d at 583. The district, a public corporation engaged in a proprietary function, was held to be limited in its powers in the same manner as a municipal corporation. Id. The Court held that, absent specific statutory authority, the district lacked the power to make the contributions:

> In this jurisdiction, under the general powers granted public corporations, the revenues derived are required to be devoted to the purposes for which the corporation is being operated, that is, the payment of operating expenses, indebtedness, and repairs, extensions, and improvements of the facilities. The diversion of the revenue to purposes other than these cannot be approved as incident thereto. While we are not unmindful of the fact there is some reasonable basis for the argument made, particularly in view of the evidence adduced to the effect that these contributions bring some benefits to the district and therefore should be considered as operating expenses, we think the matter of subjecting all such public

> corporations to solicitations by all classes of nonprofit agencies serving a public purpose is a matter of such grave public concern that it should be left with the Legislature which has plenary power over them. The pros and cons of the matter can be fully presented and that body determine the public policy in regard thereto. We think the purposes served by these agencies are very worthy of everyone's charity but whether or not the revenue of public corporations should be permitted to be contributed for those purposes through these agencies, and to what extent, is, we think, a matter for the Legislature and not the courts. In the absence of express statutory authorization we find the district was without authority to make these contributions.

Id. at 794-95, 77 N.W.2d at 584.

We have reviewed the statutes relating to the powers of cities of the second class. Based upon this review, it appears that the Legislature has not granted cities of the second class authority to expend general public revenues to provide donations or assistance to charitable organizations. The Legislature has established a procedure for cities of the second class to acquire or receive real estate for recreational purposes, to issue bonds following voter approval to raise funds to improve and equip land so acquired, and has granted such cities authority to levy a tax to maintain, improve, and manage recreational facilities. Neb. Rev. Stat. §§ 17-948 to -952 (1991). The Legislature has not, however, specifically authorized the expenditure of general public revenues as a donation to an organization such as the Foundation for the purpose described in your request.

Your second question is whether the city may lawfully expend gross proceeds from its keno lottery for the purpose of supporting the Foundation in acquiring and construction of the Center. The Nebraska Constitution authorizes lotteries "the proceeds of which are to be used solely for charitable or community betterment purposes. . . ." Neb. Const. art. III, § 24. Under the Nebraska County and City Lottery Act, "the gross proceeds of any lottery conducted by a county, city, or village shall be used solely for community betterment purposes, awarding of prizes, taxes, and expenses." Neb. Rev. Stat. § 9-629(1) (Supp. 1993). Specifically, you ask whether the appropriation of lottery proceeds for this purpose falls within the definition of "community betterment purposes" in Neb. Rev. Stat. § 9-604 (1991).

As noted previously, the Nebraska Supreme Court, in the United Community Services case, held that, absent legislative authorization, the power district, as a public corporation, could not donate funds to charitable concerns. The Court, in addition to addressing this question, also considered the constitutionality of legislation specifically authorizing the district to "use its funds for charitable or eleemosynary purposes" and to "contribute from its funds. . .for charitable or eleemosynary purposes for the welfare of the public;. . . ." 162 Neb. at 795-96, 77 N.W.2d at 585. The Court stated that,

> {w}hile the revenues received by the district in the operations of its business are not public funds in the same sense as those derived

from taxation, however, they are public funds collected by the district for certain purposes and the Legislature may, under its control of the district, authorize their expenditure for a public purpose beneficial to such district and those immediately interested therein but under the restrictions and limitations imposed on the Legislature by the Constitution.

Id. at 797, 77 N.W.2d at 585.

The Court in United Community Services found that the Legislature's authorization for the district to contribute funds for charitable purposes for the public welfare did not violate the prohibition against giving the credit of the state "in aid of any individual, association, or corporation" (Neb. Const. art. III, § 18), and did not constitute an impermissible authorization of the expenditure of public funds for a private purpose. 162 Neb. at 799-801, 77 N.W.2d at 586-87. In this regard, the Court stated:

'It is the province of the legislature to determine matters of policy. In appropriating the public funds, if there is reason for doubt or argument as to whether the purpose for which the appropriation is made is a public or private purpose, and reasonable men might differ in regard to it, it is generally held that the matter is for the legislature; * * *.' (citations omitted). . . . The nature of appellee and the purposes it serves has already been set forth herein. That these are for the welfare of the public and that they serve a public purpose there can be no doubt. (citations omitted). . . . 'the vital point in all such appropriations is whether the purpose is public; and that, if it is, it does not matter whether the agency through which it is dispensed is public or not; that the appropriation is not made for the agency, but for the object which it serves; the test is in the end, not in the means.' (citations omitted).

Id. at 800-801, 77 N.W.2d at 587.[2]

Lottery gross proceeds, while not generated by taxation, nevertheless constitute public funds which must be expended for a public purpose. United Community Services establishes that the Legislature may authorize the expenditure of public funds to aid agencies devoted to activities serving a public purpose. The question which remains is whether the Legislature has authorized the expenditure of such funds for the purpose described in your request by its definition of the term "community betterment purposes".

Section 9-604 provides, in part:

(1) Community betterment purposes shall mean (a) benefiting persons by enhancing their opportunity for educational advancement, by relieving or protecting them from disease, suffering, or distress, by contributing to their physical well-being, by assisting them in establishing themselves as worthy and useful citizens, by providing them with opportunities to contribute to the betterment of the community, or by increasing their comprehension of and devotion to the principles upon which this nation was founded, (b) initiating, performing, or fostering worthy public works or enabling or furthering the erection or maintenance of public structures, (c)

lessening the burdens borne by government or voluntarily supporting, augmenting, or supplementing services which government would normally render to the people, or (d) providing tax relief to the community.

In our opinion, use of lottery proceeds for the purpose of supporting the acquisition and construction of a community recreation center by a nonprofit corporation, under the circumstances described in your request, is consistent with the definition of "community betterment purposes" in § 9-604. The statute defines "community betterment purposes" to include activities "benefiting persons. . .by contributing to their physical well-being", as well as the "fostering of worthy public works or enabling or furthering the erection or maintenance of public structures. . . ." The building and maintenance of community recreation and fitness center open to the public and available for use by the citizens of the community would be consistent with the furtherance of these purposes. Moreover, the definition of "community betterment purposes" includes "lessening the burdens borne by government or voluntarily supporting, augmenting, or supplementing services which government would normally render to the people,. . . ." As noted, cities of the second class are authorized to acquire and maintain a recreation center. Thus, as operation of a public recreational facility is the type of activity which the city may normally provide for its citizens, aiding and supporting operation of a recreational center operated by a nonprofit corporation for public use appears consistent with this purpose.

Finally, you ask whether, if the city were precluded from using lottery proceeds for the purpose of providing financial support to the Foundation for the acquisition and construction of a recreational facility, § 9-604 could be amended to permit use of lottery proceeds for this purpose. We have, of course, concluded that such a use of lottery proceeds falls within the current definition of "community betterment purposes" under § 9-604. To the extent a question is raised as to whether the present language is broad enough to permit such a use, we see no impediment to amending § 9-604 to include language specifically authorizing the use of lottery proceeds for this particular purpose. As we have determined that such a use is permissible under § 9-604, we obviously do not believe that such an amendment would be inconsistent with the constitutional requirement that lottery proceeds "be used solely for charitable or community betterment purposes. . . ."

[1] Based upon an inquiry directed to your staff, it is our understanding that the city in question is a city of the second class, as defined in Neb. Rev. Stat. § 17-101 (1991).

[2] While the Court found the legislation did not authorize an unlawful giving of credit or impermissible expenditure of public funds for a private purpose, it declared the act invalid as creating an unreasonable classification in violation of Neb. Const. art. III, § 18. 162 Neb. at 801-805, 77 N.W.2d at 587-89.

Very truly yours,
DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

cc: Patrick O'Donnell
Clerk of the Legislature
7-835-7.27

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1224A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1224, Ninety-third Legislature, Second Session, 1994.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 961 in the Journal. No objections. So ordered.

AM3932

(Amendments to E & R amendments, AM5712)

1. On page 2, line 19, after the period insert "For purposes of this subsection, business inventory shall include personal property owned for purposes of leasing or renting such property to others for financial gain only if the personal property is of a type which in the ordinary course of business is leased or rented thirty days or less and may be returned at the option of the lessee or renter at any time and the personal property is of a type which would be considered household goods or personal effects if owned by an individual. All other personal property owned for purposes of leasing or renting such property to others for financial gain shall not be considered business inventory.".

Messrs. Hall and Landis asked unanimous consent to print the following amendment to LB 1292 in the Journal. No objections. So ordered.

(Amendment, AM4051, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

GENERAL FILE

LEGISLATIVE BILL 1351. The second Standing Committee amendment is as follows:
FA475
(Section 12 of AM3473 is on file in the Clerk's Office - Room 2018.)

Mr. Chambers offered the following amendment to the second Standing Committee amendment:
FA500
Amend AM3473
Section 12, page 20, lines 1 - 3: Strike new language.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. CROSBY PRESIDING

Messrs. Withem, Jones, Bernard-Stevens, and Mrs. Hudkins asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Ashford	Chambers	Lindsay	Robak	Warner
Beutler	Hall	Monen	Schimek	Wesely

Voting in the negative, 16:

Abboud	Crosby	Fisher	Schellpeper	Wehrbein
Avery	Elmer	Matzke	Schmitt	Will
Bromm	Engel	Pirsch	Vrtiska	Witek
Byars				

Present and not voting, 13:

Bohlke	Dierks	Lynch	Preister	Wickersham
Coordsen	Hartnett	McKenzie	Robinson	Withem
Day	Janssen	Pedersen		

Excused and not voting, 10:

Bernard-Stevens	Haberman	Hudkins	Kristensen	Moore
Cudaback	Hillman	Jones	Landis	Rasmussen

The Chambers amendment lost with 10 ayes, 16 nays, 13 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment to the second Standing Committee amendment:
FA501
Amend AM3473
Section 12, page 20, lines 4-20: Strike all language.

Mmes. McKenzie, Bohlke, Messrs. Wehrbein, and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Messrs. Will and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mrs. Witek requested a roll call vote, in reverse order, on the Chambers amendment.

Voting in the affirmative, 22:

Ashford	Crosby	Janssen	Preister	Warner
Avery	Day	Lindsay	Robak	Wesely
Beutler	Hall	Monen	Robinson	Wickersham
Bohlke	Hartnett	Pedersen	Schimek	Withem
Chambers	Hillman			

Voting in the negative, 13:

Abboud	Elmer	Jones	Schmitt	Wehrbein
Coordsen	Engel	Matzke	Vrtiska	Witek
Cudaback	Fisher	Pirsch		

Present and not voting, 3:

Bernard-Stevens	Byars	Dierks

Excused and not voting, 11:

Bromm	Kristensen	Lynch	Moore	Schellpeper
Haberman	Landis	McKenzie	Rasmussen	Will
Hudkins				

The Chambers amendment lost with 22 ayes, 13 nays, 3 present and not voting, and 11 excused and not voting.

Pending.

The Chair declared the call raised.

EASE

The Legislature was at ease from 6:08 p.m. until 6:34 p.m.

SPEAKER WITHEM PRESIDING

RESOLUTIONS

LEGISLATIVE RESOLUTION 375. Introduced by Robak, 22.

PURPOSE: The purpose of this study is to examine the criminal verdict of "guilty except insane" for possible inclusion into the Nebraska Criminal Code.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 376. Introduced by Vrtiska, 1; Schimek, 27; Robinson, 16; Engel, 17.

PURPOSE: Nebraska's tribal governments are faced with problems relating to the enforcement of game and wildlife laws on lands within their reservation boundaries.

Currently, the State of Nebraska has agreements with most of the tribal governments under which tribal game and wildlife laws apply to

lands owned by tribal members inside the reservation and state game and wildlife laws apply to lands outside the reservation. Lands which are not owned by tribal members but which are inside the reservation boundaries are technically under state jurisdiction, but confusion over whose laws apply often cause inadequate enforcement of game and wildlife laws on these lands. In addition, at least one tribe has an agreement in a neighboring state in which the tribal game officer may enforce any applicable game and wildlife laws of that state inside the reservation's boundaries. Both landowners and tribal leaders have expressed concern about the lack of adequate enforcement of game and wildlife laws on the reservation lands the State of Nebraska claims as being under its jurisdiction.

Legislative Bill 1103 was introduced last session to seek an end to the confusion concerning jurisdiction over game and wildlife law enforcement and to help provide uniform, adequate enforcement on reservations in our state by granting game and wildlife law jurisdiction on all lands lying within a reservation's boundaries to that particular tribal government. The bill was indefinitely postponed in committee.

The purpose of this study is to:

(a) Examine the adequacy of existing game and wildlife law enforcement arrangements on nonIndian, nontribally owned lands lying within the boundaries of Nebraska's tribal reservations;

(b) Examine the adequacy of game and wildlife law enforcement on these lands with which the State of Nebraska has no existing jurisdictional agreement;

(c) Examine the policies adopted in other states governing game and wildlife law jurisdiction on reservation lands; and

(d) Recommend ways in which state law, the Game and Parks Commission, or both could improve the level of game and wildlife law enforcement on reservation lands.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler and Mrs. Bohlke asked unanimous consent to print the following amendment to LB 1207 in the Journal. No objections. So ordered.

AM4113

(Amendments to E & R Amendments, AM5680)

1. Insert the following new sections:

"Sec. 3. (1) The Department of Environmental Quality shall rebate to the municipality or county of origin ten cents of the disposal fee required by section 13-2042 for each six cubic yards of uncompacted solid waste, for each three cubic yards of compacted solid waste, or for each ton of solid waste disposed of at landfills regulated by the department and originating in a municipality or county with a purchasing policy approved by the department. The fee shall be rebated quarterly on or before the thirtieth day after receipt of a quarterly report from the municipality or county of origin.

(2) Any municipality or county may apply to the department for the rebate authorized in subsection (1) of this section if the municipality or county has a written purchasing policy in effect requiring a preference for purchasing products, materials, or supplies which are manufactured or produced from recycled material. The policy shall provide that the preference shall not operate when it would result in the purchase of products, materials, or supplies which are of inadequate quality as determined by the municipality or county. Upon receipt of an application, the Department of Environmental Quality shall submit the application to the materiel division of the Department of Administrative Services for review. The materiel division shall review the application for compliance with this section and any rules and regulations adopted pursuant to this section and to determine the probable effectiveness in assuring that a preference is given to products, materials, or supplies which are manufactured or produced from recycled material. The materiel division shall provide a report of its findings to the Department of Environmental Quality within thirty days after receiving the review request. The Department of Environmental Quality shall approve the application or suggest modifications to the application within sixty days after receiving the application based on the materiel division's report, any analysis by the Department of Environmental Quality, and any factors affecting compliance with this section or the rules and regulations adopted pursuant to this section.

(3) A municipality or county shall file a report complying with the rules and regulations adopted pursuant to this section with the Department of Environmental Quality before April 1 of each year documenting purchasing practices for the past calendar year in order to continue receiving the rebate. The report shall include, but not be limited to, quantities of products, materials, or supplies purchased which were manufactured or produced from recycled material. The department shall provide copies of each report to the materiel

division in a timely manner. If the department determines that a municipality or county is not following the purchasing policy presented in the approved application or that the purchasing policy presented in the approved application is not effective in assuring that a preference is given to products, materials, or supplies which are manufactured or produced from recycled material, the department shall suspend the rebate until it determines that the municipality or county is giving a preference to products, materials, or supplies which are manufactured or produced from recycled material pursuant to a written purchasing policy approved by the department subsequent to the suspension. The materiel division may make recommendations to the department regarding suspensions and reinstatements of rebates.

(4) Any suspension of the rebate or denial of an application made under this section may be appealed. The appeal shall be in accordance with the Administrative Procedure Act.

(5) The council shall adopt and promulgate rules and regulations establishing criteria for application procedures, for accepting and denying applications, for annual and quarterly reporting requirements, and for suspending and reinstating the rebate. The materiel division shall recommend to the council criteria for accepting and denying applications and for suspending and reinstating the rebate. The materiel division may make other recommendations to the council regarding rules and regulations authorized under this section. The Department of Administrative Services may adopt and promulgate rules and regulations establishing procedures for reviewing applications and for annual and quarterly reports.

Sec. 4. That section 13-2001, Revised Statutes Supplement, 1992, be amended to read as follows:

13-2001. Sections 13-2001 to 13-2043 and section 3 of this act shall be known and may be cited as the Integrated Solid Waste Management Act.

Sec. 14. Sections 3, 4, and 16 of this act shall become operative on January 1, 1995. The other sections of this act shall become operative on their effective date.

Sec. 16. That original section 13-2001, Revised Statutes Supplement, 1992, is repealed.".

2. On page 9, lines 20 and 21, strike the new matter and insert "on or before the forty-fifth day following the end of each quarter".

3. On page 11, line 5 after the period insert "For purposes of determining the total fees collected, any amount of fees rebated pursuant to section 3 of this act shall be included as if the fees had not been rebated, and the amount of the fees rebated pursuant to such section shall be deducted from the amount to be credited to the Waste Reduction and

Recycling Incentive Fund.".

4. Renumber the remaining sections accordingly.

MOTION - Reconsider Action on LB 248

Mr. Pedersen moved to reconsider the Final Reading vote on LB 248.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1351. Mr. Chambers offered the following amendment to the second Standing Committee amendment:
FA502

Amend AM3473

(Sec. 12) Page 20, line 2, strike "seven" and insert "three hundred sixty-five", strike "thirty" and insert "seven hundred thirty"

Mr. Chambers moved for a call of the house. The motion prevailed with 6 ayes, 0 nays, and 43 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 3:

Chambers	Crosby	Hall

Voting in the negative, 18:

Abboud	Hillman	Matzke	Robak	Wehrbein
Avery	Janssen	McKenzie	Vrtiska	Witek
Byars	Jones	Pedersen	Warner	Withem
Fisher	Lindsay	Pirsch		

Present and not voting, 20:

Bernard-Stevens	Cudaback	Engel	Monen	Schimek
	Day	Haberman	Preister	Schmitt
Beutler	Dierks	Hartnett	Robinson	Wesely
Bohlke	Elmer	Lynch	Schellpeper	Wickersham
Coordsen				

Absent and not voting, 1:

Ashford

Excused and not voting, 7:

Bromm	Hudkins	Kristensen	Landis	Moore

Rasmussen Will

The Chambers amendment lost with 3 ayes, 18 nays, 20 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the second Standing Committee amendment:
FA503
Amend AM3473
(Sec. 12) Page 20, line 8, strike "thirty" and insert "seven hundred thirty";
line 16, strike "forty-fifth and insert "one thousandth"

Mrs. Robak, Messrs. Dierks, and Bernard-Stevens asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 8 ayes, 1 nay, and 40 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 5:

Chambers	Hall	Lindsay	Lynch	McKenzie

Voting in the negative, 35:

Abboud	Coordsen	Haberman	Monen	Vrtiska
Ashford	Crosby	Hillman	Moore	Warner
Avery	Cudaback	Hudkins	Pirsch	Wehrbein
Bernard-Stevens	Day	Janssen	Robinson	Wesely
	Elmer	Jones	Schellpeper	Will
Beutler	Engel	Kristensen	Schimek	Witek
Bohlke	Fisher	Matzke	Schmitt	Withem
Byars				

Present and not voting, 4:

Hartnett	Pedersen	Preister	Wickersham

Excused and not voting, 5:

Bromm	Dierks	Landis	Rasmussen	Robak

The Chambers amendment lost with 5 ayes, 35 nays, 4 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1223. Placed on Select File as amended.
E & R amendment to LB 1223:
AM5730

1. In the Standing Committee amendments, AM3613:

a. On page 24, line 13; page 47, line 3; and page 50, line 8, strike "Uniform Licensing Law, the" and after the last comma insert "the Uniform Licensing Law,";

b. On page 26, line 19, after "including" insert "any"; and in line 20 after "federal" insert "jurisdiction";

c. On page 32, line 3, strike "the Uniform Licensing Law,"; and in line 4 after the first comma insert "the Uniform Licensing Law,";

d. On page 64, line 14, strike "or lay administrator" and show as stricken;

e. On page 70, line 10, after "shall" insert "each"; in line 11 strike "each"; and in line 14 strike "their", show as stricken, and insert "the initial";

f. On page 102, line 24, strike "Primary" and insert "For purposes of the Primary Care Provider Act, primary";

g. On page 103, line 17, after "the" insert "Nebraska"; and in line 18 strike the first comma; and

h. On page 116, line 20, after "care" insert "system".

2. On page 1, line 3, strike lines 2 through 14 and insert "44-2835, 71-1,132.08, 71-1,132.20, 71-1,132.49, 71-1,198, 71-1,199, 71-374, 71-375, 71-397, 71-1626 to 71-1629, 71-1629.02, 71-1630, 71-4711, 71-5504, 71-6065, and 71-6113, Reissue Revised Statutes of Nebraska, 1943, sections 71-155, 71-161.03, 71-168, 71-172.01, 71-1,104, 71-1,200, 71-1,202, 71-382, 71-3,171, 71-527 to 71-529, 71-1629.01, 71-3708, 71-3710, 71-4712, 71-5505, 71-5652, 71-5653, 71-5659, 71-5661 to 71-5666, 71-5669, 71-6061, 71-6114, and 71-7423, Revised Statutes Supplement, 1992, and sections 71-101, 71-110, 71-113, 71-116, 71-147, 71-162, 71-168.01, 71-1,132.07, 71-1,204, 71-1331, 71-1757, 71-2023, 71-3706, 71-3707, 71-4715,".

3. On page 2, strike beginning with the first "to" in line 8 through the second semicolon in line 13 and insert "to change provisions relating to confidentiality and

disclosure of information; to define and redefine terms; to require court clerks to provide reports; to change procedures for certain actions and proceedings; to provide for a statewide immunization program for certain children; to provide for contracts for vaccine; to change provisions relating to local health departments, boards, and taxes; to eliminate provisions relating to establishment, referendum, and termination elections for local health departments; to change provisions of the Rural Health Systems and Professional Incentive Act and the Rural Health Opportunities Loan Act; to create a fund; to adopt the Primary Care Provider Act and the Nebraska Trauma Systems Development Act; to change a licensing provision;".

LEGISLATIVE BILL 1223A. Placed on Select File.

LEGISLATIVE BILL 903. Placed on Select File as amended.
E & R amendment to LB 903:
AM5729

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 24-201.01, Revised Statutes Supplement, 1992, be amended to read as follows:

24-201.01. On July 1, ~~1989~~ 1992, the salary of the Chief Justice and judges of the Supreme Court shall be ~~sixty-six~~ eighty-eight thousand ~~six~~ one hundred ~~eighty-eight~~ fifty-seven dollars and ~~eighty-four~~ thirty cents. On January 5, 1995, the salary shall be increased by three percent of the salary received immediately prior to such date. On January 1, 1996, the salary shall be increased by three percent of the salary authorized immediately prior to such date. ~~On July 1, 1990, the salary shall be increased by five percent of the salary received immediately prior to such date. On January 3, 1991, the salary shall be increased to seventy-seven thousand dollars. On July 1, 1991, the salary shall be increased by seven percent of the salary received immediately prior to such date. On July 1, 1992, the salary shall be increased by seven percent of the salary received immediately prior to such date.~~

The Chief Justice and the judges of the Supreme Court shall hold no other public office of profit or trust during their terms of office nor accept any public appointment or employment under the authority of the government of the United States for which they receive compensation for their services.

Such salaries shall be payable in equal monthly installments.

Sec. 2. That section 24-301.02, Revised Statutes Supplement, 1993, be amended to read as follows:

24-301.02. The State of Nebraska shall be divided

into the following twelve district court judicial districts:

District No. 1 shall contain the counties of Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, Fillmore, and Richardson;

District No. 2 shall contain the counties of Sarpy, Cass, and Otoe;

District No. 3 shall contain the county of Lancaster;

District No. 4 shall contain the county of Douglas;

District No. 5 shall contain the counties of Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders;

District No. 6 shall contain the counties of Dixon, Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

District No. 7 shall contain the counties of Knox, Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

District No. 8 shall contain the counties of Cherry, Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard;

District No. 9 shall contain the counties of Buffalo and Hall;

District No. 10 shall contain the counties of Adams, Clay, Phelps, Kearney, Harlan, Franklin, Webster, and Nuckolls;

District No. 11 shall contain the counties of Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas; and

District No. 12 shall contain the counties of Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, Grant, and Deuel.

In the fourth district there shall be fourteen judges of the district court. In the third district there shall be ~~six~~ seven judges of the district court. In the twelfth district there shall be five judges of the district court. In the fifth district there shall be four judges of the district court. In the first, ~~second,~~ sixth, ninth, and eleventh districts there shall be three judges of the district court. In the seventh, eighth, and tenth districts there shall be two judges of the district court. Until July 1, 1996, in the second district there shall be three judges of the district court. On and after July 1, 1996, in the second district there shall be four judges of the district court.

Sec. 3. That section 24-503, Revised Statutes Supplement, 1993, be amended to read as follows:

24-503. For the purpose of serving the county courts in each county, twelve county judge districts are hereby created:

District No. 1 shall contain the counties of Saline,

Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, and Richardson;

District No. 2 shall contain the counties of Sarpy, Cass, and Otoe;

District No. 3 shall contain the county of Lancaster;

District No. 4 shall contain the county of Douglas;

District No. 5 shall contain the counties of Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders;

District No. 6 shall contain the counties of Dixon, Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

District No. 7 shall contain the counties of Knox, Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

District No. 8 shall contain the counties of Cherry, Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard;

District No. 9 shall contain the counties of Buffalo and Hall;

District No. 10 shall contain the counties of Fillmore, Adams, Clay, Phelps, Kearney, Harlan, Franklin, Webster, and Nuckolls;

District No. 11 shall contain the counties of Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas; and

District No. 12 shall contain the counties of Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, Grant, and Deuel.

District 4 shall have ~~eleven~~ twelve county judges. Districts 3, 5, and 12 shall have six county judges. District 11 shall have five county judges. Districts 6 and 9 shall have four county judges. Districts 1, 2, 7, 8, and 10 shall have three county judges.

Judge of the county court shall include any person appointed to the office of county judge or municipal judge prior to July 1, 1985, pursuant to Article V, section 21, of the Constitution of Nebraska.

Any person serving as a municipal judge in district 3 or 4 immediately prior to July 1, 1985, shall be a judge of the county court and shall be empowered to hear only those cases as provided in section 24-517 which the presiding judge of the county court for such district, with the concurrence of the Supreme Court, shall direct.

Sec. 4. That section 24-803, Revised Statutes Supplement, 1992, be amended to read as follows:

24-803. (1) ~~As~~ Except as provided in subsection (3) of this section, as the term of a member of a judicial nominating commission initially appointed or selected expires,

the term of office of each successor member shall be for a period of four years. The Governor shall appoint all successor members of each nominating commission who are judges of the Supreme Court and citizen members. The Governor shall, each second year, appoint two alternate citizen members. The term of office of an alternate citizen member of a commission shall be for a period of four years. The lawyers residing in the judicial district or area of the state served by a judicial nominating commission shall select all successor and alternate lawyer members of such commission in the manner prescribed in section 24-806. The term of office of an alternate lawyer member of a commission shall be for a period of ~~two~~ four years. No member of any nominating commission, including the Supreme Court member of any such commission, shall serve more than a total of eight consecutive years as a member of the commission, and if such member has served for more than six years as a member of the commission, he or she shall not be eligible for reelection or reappointment. Alternate lawyer and citizen members shall be selected to fill vacancies in their order of election or appointment.

(2) For purposes of this section and Article V, section 21, of the Constitution of Nebraska, a member of a judicial nominating commission shall be deemed to have served on such commission if he or she was a member of the commission at the time of the publication of the notice required by subsection (5) of section 24-810.

(3) On and after the effective date of this act, the judicial nominating commissions for the office of judge of the district court shall serve as the judicial nominating commissions for the office of judge of the county court for counties located within the district court judicial districts served, except that county judge districts 1, 3, 4, and 10 shall each have a judicial nominating commission.

Sec. 5. That section 43-2,119, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-2,119. ~~In~~ (1) Until July 1, 1995, except as otherwise provided in subsection (2) of this section, in each county of this state having a population of at least seventy-five thousand and not more than two hundred thousand ~~population~~ inhabitants in which a separate juvenile court has been established, there shall be one judge of the separate juvenile court, and in each county of this state having a population of more than two hundred thousand ~~population~~ inhabitants in which a separate juvenile court has been established, there shall be two judges of the separate juvenile court.

(2) On and after July 1, 1994, in each county of this state having a population of four hundred thousand inhabitants or more in which a separate juvenile court has

been established, there shall be three judges of the separate juvenile court.

(3) On and after July 1, 1995, and until July 1, 1996, in each county of this state having a population of one hundred thousand and less than two hundred thousand inhabitants in which a separate juvenile court has been established, there shall be one judge of the separate juvenile court, and in each county of this state having a population of two hundred thousand or more but less than four hundred thousand inhabitants in which a separate juvenile court has been established, there shall be two judges of the separate juvenile court. On and after July 1, 1996, in each county of this state having a population of at least one hundred thousand and not more than four hundred thousand inhabitants in which a separate juvenile court has been established, there shall be two judges of the separate juvenile court.

(4) In counties having two or more judges of the separate juvenile court, upon the swearing in of the second judge, the senior judge in point of service as a juvenile court judge shall be the presiding judge. The judges shall rotate the office of presiding judge every three years unless the judges agree to another system.

Sec. 6. That original section 43-2,119, Reissue Revised Statutes of Nebraska, 1943, sections 24-201.01 and 24-803, Revised Statutes Supplement, 1992, and sections 24-301.02 and 24-503, Revised Statutes Supplement, 1993, are repealed.".

2. On page 1, strike beginning with "district" in line 1 through line 5 and insert "courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska, 1943, sections 24-201.01 and 24-803, Revised Statutes Supplement, 1992, and sections 24-301.02 and 24-503, Revised Statutes Supplement, 1993; to increase the number of judges in certain district and county judicial districts and juvenile courts; to change provisions relating to judicial nominating commissions; and to repeal the original sections.".

LEGISLATIVE BILL 903A. Placed on Select File as amended.
E & R amendment to LB 903A:
AM5727

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. There is hereby appropriated (1) $255,051 from the General Fund for FY1994-95 and (2) $412,755 from the General Fund for FY1995-96 to the Supreme Court, for Program 6, to aid in carrying out the provisions of Legislative Bill 903, Ninety-third Legislature, Second Session, 1994.

Total expenditures for permanent and temporary

salaries and per diems from funds appropriated in this section shall not exceed $234,525 for FY1994-95 or $379,535 for FY1995-96.

Sec. 2. There is hereby appropriated (1) $158,921 from the General Fund for FY1994-95 and (2) $310,319 from the General Fund for FY1995-96 to the Supreme Court, for Program 7, to aid in carrying out the provisions of Legislative Bill 903, Ninety-third Legislature, Second Session, 1994.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $139,107 for FY1994-95 or $271,626 for FY1995-96.

Sec. 3. There is hereby appropriated (1) $75,672 from the General Fund for FY1994-95 and (2) $79,072 from the General Fund for FY1995-96 to the Supreme Court, for Program 52, to aid in carrying out the provisions of Legislative Bill 903, Ninety-third Legislature, Second Session, 1994.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $57,400 for FY1994-95 or $57,400 for FY1995-96.".

LEGISLATIVE BILL 446A. Placed on Select File.

LEGISLATIVE BILL 1136. Placed on Select File as amended.
E & R amendment to LB 1136:
AM5725

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 83-1201, Revised Statutes Supplement, 1992, be amended to read as follows:

83-1201. Sections 83-1201 to 83-1226 and sections 2 to 4 of this act shall be known and may be cited as the Developmental Disabilities Services Act.

Sec. 2. The Legislature finds that present state appropriations on behalf of community-based services to persons with developmental disabilities are twenty-nine million dollars below the amount which has been identified by the Department of Public Institutions as being the minimum necessary to pay the reasonable costs of providing such services to all Nebraskans who are eligible to receive them. Of that total, eighteen million dollars is required to bring services to an estimated one thousand one hundred fifty-five persons who are presently waiting for services and eleven million dollars is required to pay employees of community-based providers of services on a parity with employees performing essentially the same tasks in state institutions.

The Legislature also finds that increasing the

present appropriation by the required amount in a single budget period is not feasible but that the state must pursue full funding of community-based developmental disability programs in a reasonable timeframe. Although Nebraska is presently committed to the goal of providing services to all eligible persons by July 1, 1996, the Legislature finds that a more realistic goal is July 1, 2000, and hereby commits itself and the state to attaining that goal.

Sec. 3. It is the intent of the Legislature that there be appropriated from the General Fund, in addition to the amount of the continuation budget to the Department of Public Institutions, for Program 424, $2,000,000 for FY1994-95. Of the funds appropriated pursuant to this section, sixty-two percent shall be used to bring services to persons who are presently waiting for services and thirty-eight percent shall be used for pay equity.

Sec. 4. (1) There is hereby created the Advisory Committee on Developmental Disabilities. The advisory committee shall consist of not more than fifteen members. At least one-third of the membership shall be persons with developmental disabilities, at least one-third of the membership shall be families of persons with developmental disabilities, and no more than one-third of the membership shall be elected officials or interested community persons.

(2) The members shall be appointed by the Governor for staggered terms of three years. Any vacancy shall be filled by the Governor for the remainder of the term. One of the members shall be designated as chairperson by the Governor. Members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(3) The advisory committee shall advise the department regarding all aspects of the funding and delivery of services to persons with developmental disabilities.

Sec. 5. That section 83-1216, Revised Statutes Supplement, 1993, be amended to read as follows:

83-1216. (1) By December 1, 1991, the department shall, in conjunction with persons with developmental disabilities, their families or designated advocates, service providers, state and local officials, and the general public, define and develop a plan for a system of service coordination for persons with developmental disabilities and their families. This system may be implemented on March 1, 1992.

(2) By July 1, 1992, the department shall conduct a needs assessment and develop a services plan for each person found to be eligible for services.

(3) By September 15, 1992, the department shall submit a budget request to fund services required to address the assessed needs of eligible persons.

(4) Beginning July 1, 1995, persons determined to be

eligible for specialized services who on or after September 6, 1993, graduate from high school, reach the age of twenty-one years, or are currently receiving services shall receive services in accordance with the Developmental Disabilities Services Act.

(5) On or after July 1, 1995, the department shall provide directly or by contract service coordination to each person found to be eligible for services.

(6) It is the intent of the Legislature that beginning July 1, ~~1996~~ 2000, all persons determined to be eligible for services shall receive services in accordance with the act. On or before December 1, 1991, the department shall submit a report to the Legislature and the Governor as to the number of persons anticipated to be served, what services would be needed, how the services would be developed, and the cost of serving all eligible persons.

(7) It is the intent of the Legislature that the Department of Public Institutions take all possible steps to maximize funding in order to implement subsections (4) and (5) of this section prior to the date these subsections become entitlements. It is the intent of the Legislature that funding sources within the Department of Social Services, the State Department of Education, specifically including the Division of Rehabilitation Services, and other agencies be utilized to the maximum extent possible.

Sec. 6. That original section 83-1201, Revised Statutes Supplement, 1992, and section 83-1216, Revised Statutes Supplement, 1993, are repealed.".

2. On page 1, strike lines 2 through 4 and insert "section 83-1201, Revised Statutes Supplement, 1992, and section 83-1216, Revised Statutes Supplement, 1993; to state and restate intent; to create the Advisory Committee on Developmental Disabilities; to provide duties for the advisory committee; to harmonize provisions; and to repeal the original sections.".

LEGISLATIVE BILL 1136A. Placed on Select File as amended.
E & R amendment to LB 1136A:
AM5726

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. There is hereby appropriated (1) $396,000 from the General Fund and $138,500 from federal funds for FY1994-95 and (2) $396,000 from the General Fund and $138,500 from federal funds for FY1995-96 to the Department of Public Institutions, for Program 33, to aid in carrying out the provisions of Legislative Bill 1136, Ninety-third Legislature, Second Session, 1994.

Total expenditures for permanent and temporary

salaries and per diems from funds appropriated in this section shall not exceed $204,400 for FY1994-95 or $204,400 for FY1995-96.

Sec. 2. There is hereby appropriated (1) $8,000,000 from the General Fund and $2,400,000 from federal funds for FY1994-95 and (2) $8,000,000 from the General Fund and $2,400,000 from federal funds for FY1995-96 to the Department of Public Institutions, for Program 424, to aid in carrying out the provisions of Legislative Bill 1136, Ninety-third Legislature, Second Session, 1994.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

(Signed) Janis M. McKenzie, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 377. Introduced by Hillman, 48; Bernard-Stevens, 42; Wickersham, 49.

PURPOSE: The purpose of this resolution is to initiate an interim study of fiscal problems facing Nebraska's regional youth detention centers. The study shall include, but shall not be limited to, an examination of:

1. The causes of fiscal problems facing youth detention centers;
2. The relationship of the Office of Juvenile Services established in LB 988 as it relates to youth detention centers;
3. The funding structures of youth detention centers in other states and the appropriateness of adopting such funding structures in this state; and
4. Alternative funding structures.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations and Judiciary Committees of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 1003 in the Journal. No objections. So ordered.

AM3245

1. On page 2, strike beginning with "within" in line 6 through "date" in line 7; strike beginning with the comma in line 21 through line 22 and insert ". Any negative income may be carried back to the original year in which such loan was reported as income under this section, not to exceed five years."; and in line 24 before the period insert ", except that the first two thousand dollars received after June 14, 1994, shall be exempt".

Mr. Wickersham asked unanimous consent to print the following amendment to LB 1003 in the Journal. No objections. So ordered.

AM3239

1. On page 2, line 20, strike the first "the" and insert "a" and strike "of ten percent on" and insert "equal to one hundred fifty and eight-tenths percent of the primary rate imposed on individuals under section 77-2701.01 on the first fifty thousand dollars of"; in line 21 after "year" insert "and at the rate of two hundred eleven percent of such primary rate on all income in excess of fifty thousand dollars. The resultant rates shall be rounded to the nearest one hundredth of one percent."; and strike beginning with the comma in line 21 through line 22.

Mr. Wickersham asked unanimous consent to print the following amendment to LB 1003 in the Journal. No objections. So ordered.

AM3242

1. On page 2, strike beginning with "any" in line 5 through "(b)" in line 7 and insert "funds spent for meals, lodging, fees, and travel by an officeholder and his or her staff for professional meetings, seminars, and other events related to the duties of his or her public office when the meeting, seminar, or event is not held within the political subdivision where the officeholder is a resident, (b) funds spent for books, magazines, or other printed materials that are not directly related to campaigning, elections, or fundraising, or (c)"; in line 14 strike "loans" and insert "discharged debts"; in line 15 after the period insert "Income shall not include loans received by the candidate committee until such loans are forgiven or unenforceable."; in line 16 strike "A" and insert "Except as provided in subsection (2) of this section, a"; strike beginning with the comma in line 21 through "section" in line 22; after line 24 insert the following new subsection:

"(2) Income attributable to the discharge of an indebtedness shall be taxed in the amount and at the rate at which such income would have been taxed had it been considered

income in the calendar year in which such debt was incurred by the candidate committee."; in line 25 strike "2" and insert "(3)"; and in line 28 strike "(3)" and insert "(4)".

Mr. Wickersham asked unanimous consent to print the following amendment to LB 1003 in the Journal. No objections. So ordered.

AM3241

1. Insert the following new section:

"Sec. 4. A candidate committee shall develop a form for the receipt of income. Such receipt shall include a method for a contributor to designate that his or her contribution shall not be used to pay any portion of a candidate campaign committee income tax.".

2. On page 1, line 1, strike "7" and insert "8".

3. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 314, 971A, 988A, and 1275A.

Enrollment and Review Change to LB 314

The following changes, required to be reported for publication in the Journal, have been made:

ER7452

1. On page 1, line 5, "to provide an operative date;" has been inserted after the semicolon.

(Signed) Janis M. McKenzie, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1351. Mr. Chambers offered the following amendment to the second Standing Committee amendment:

FA504

Amend AM3473

Page 20, line 9, Strike "Secretary of State" and insert "Speaker of the Legislature"

MR. BEUTLER PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 6:

Chambers	Hartnett	Lindsay	Lynch	Monen
Hall				

Voting in the negative, 34:

Abboud	Byars	Fisher	Matzke	Schmitt
Ashford	Coordsen	Haberman	McKenzie	Vrtiska
Avery	Crosby	Hillman	Pedersen	Warner
Bernard-Stevens	Cudaback	Hudkins	Pirsch	Wehrbein
	Day	Janssen	Robinson	Wesely
Beutler	Elmer	Jones	Schellpeper	Will
Bohlke	Engel	Kristensen	Schimek	Witek

Present and not voting, 4:

Moore	Preister	Wickersham	Withem

Excused and not voting, 5:

Bromm	Dierks	Landis	Rasmussen	Robak

The Chambers amendment lost with 6 ayes, 34 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Messrs. Hall and Chambers offered the following amendment to the second Standing Committee amendment:
FA505
Page 20, line 9, Strike "Secretary of State" and insert "the Auditor of Public Accounts"

Messrs. Robinson, Cudaback, Withem, and Moore asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

Mr. Bernard-Stevens moved to reconsider the Chambers amendment, FA501.

Mr. Preister asked unanimous consent to be excused. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Bernard-Stevens moved the previous question. The question is, "Shall the debate now close?"

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mrs. Witek requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 35:

Abboud	Dierks	Hudkins	McKenzie	Vrtiska
Ashford	Elmer	Janssen	Monen	Warner
Avery	Engel	Jones	Pedersen	Wehrbein
Bernard-Stevens	Fisher	Kristensen	Robak	Wesely
	Hall	Lindsay	Schellpeper	Wickersham
Beutler	Hartnett	Lynch	Schimek	Will
Bohlke	Hillman	Matzke	Schmitt	Withem
Crosby				

Voting in the negative, 3:

Chambers	Pirsch	Witek

Present and not voting, 5:

Bromm	Byars	Coordsen	Day	Haberman

Excused and not voting, 6:

Cudaback	Moore	Preister	Rasmussen	Robinson
Landis				

The motion to cease debate prevailed with 35 ayes, 3 nays, 5 present and not voting, and 6 excused and not voting.

PRESIDENT ROBAK PRESIDING

Mrs. Witek requested a roll call vote on the Bernard-Stevens motion to reconsider the Chambers amendment, FA501.

Voting in the affirmative, 23:

Ashford	Chambers	Hillman	Monen	Wesely
Bernard-Stevens	Crosby	Kristensen	Pedersen	Wickersham
	Day	Lindsay	Robak	Will
Beutler	Hall	Lynch	Schimek	Withem
Bohlke	Hartnett	McKenzie	Warner	

Voting in the negative, 19:

Abboud	Coordsen	Fisher	Matzke	Schmitt
Avery	Dierks	Haberman	Pirsch	Wehrbein
Bromm	Elmer	Hudkins	Robinson	Witek
Byars	Engel	Jones	Schellpeper	

Present and not voting, 2:

Janssen Vrtiska

Excused and not voting, 5:

Cudaback	Landis	Moore	Preister	Rasmussen

The Bernard-Stevens motion to reconsider lost with 23 ayes, 19 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The Hall-Chambers pending amendment, FA505, found in this day's Journal, to the second Standing Committee amendment, was renewed.

MRS. CROSBY PRESIDING

Messrs. Hall and Chambers withdrew their amendment.

Mr. Chambers offered the following amendment to the second Standing Committee amendment:
FA506
Amend AM3473
P. 20, line 9,
Strike "Secretary of State" and insert "the judge of the district court in which the trial was had"

PRESIDENT ROBAK PRESIDING

Mr. Abboud moved to invoke cloture on LB 1351.

Mr. Chambers requested a record vote on the Chambers amendment.

Voting in the affirmative, 3:

Chambers	Hall	Lindsay

Voting in the negative, 38:

Abboud	Bernard-	Bohlke	Coordsen	Elmer
Ashford	Stevens	Bromm	Cudaback	Engel
Avery	Beutler	Byars	Day	Fisher

Haberman	Kristensen	Pedersen	Schmitt	Wickersham
Hillman	Matzke	Pirsch	Vrtiska	Will
Hudkins	McKenzie	Robak	Warner	Witek
Janssen	Monen	Robinson	Wehrbein	Withem
Jones	Moore	Schimek	Wesely	

Present and not voting, 5:

Crosby	Dierks	Hartnett	Lynch	Schellpeper

Excused and not voting, 3:

Landis	Preister	Rasmussen

The Chambers amendment lost with 3 ayes, 38 nays, 5 present and not voting, and 3 excused and not voting.

Pending.

MOTION - Adjournment

Mr. Hall moved to adjourn until 9:00 a.m., March 29, 1994. The motion lost with 2 ayes, 36 nays, 8 present and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1351. The second Standing Committee amendment, FA475, was renewed.

Mr. Lindsay requested a ruling of the Chair on whether we are voting on the second Standing Committee amendment, FA475, or the Standing Committee amendment, AM3473, as a whole.

The Chair ruled that we are voting on the second Standing Committee amendment, FA475.

Mr. Lindsay challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Pending.

MOTION - Recess

Mr. Chambers moved to recess until 12:30 a.m., March 29, 1994. The motion lost with 1 aye, 29 nays, 16 present and not voting, and 3 excused and not voting.

MOTION - Adjournment

Mr. Chambers moved to adjourn until 9:00 a.m., March 29, 1994.

Mr. Chambers requested a record vote on the motion to adjourn.

Voting in the affirmative, 4:

Hillman	Monen	Pedersen	Will

Voting in the negative, 33:

Abboud	Byars	Fisher	McKenzie	Vrtiska
Avery	Coordsen	Hudkins	Moore	Warner
Bernard-Stevens	Crosby	Janssen	Pirsch	Wesely
	Cudaback	Jones	Robak	Wickersham
Beutler	Day	Kristensen	Schellpeper	Witek
Bohlke	Dierks	Lindsay	Schimek	Withem
Bromm	Engel	Matzke	Schmitt	

Present and not voting, 9:

Ashford	Elmer	Hall	Lynch	Wehrbein
Chambers	Haberman	Hartnett	Robinson	

Excused and not voting, 3:

Landis	Preister	Rasmussen

The Chambers motion to adjourn lost with 4 ayes, 33 nays, 9 present and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1351. The Lindsay motion to overrule the Chair, found in this day's Journal, was renewed.

Mrs. Robak moved the previous question. The question is, "Shall the debate now close?"

Mr. Chambers requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 42:

Abboud	Crosby	Hartnett	McKenzie	Schimek
Ashford	Cudaback	Hillman	Monen	Schmitt
Avery	Day	Hudkins	Moore	Vrtiska
Beutler	Dierks	Janssen	Pedersen	Warner
Bohlke	Elmer	Jones	Pirsch	Wehrbein
Bromm	Engel	Kristensen	Robak	Wesely
Byars	Fisher	Lindsay	Robinson	Wickersham
Coordsen	Hall	Matzke	Schellpeper	Will

Witek Withem

Voting in the negative, 1:

Chambers

Present and not voting, 3:

Bernard-Stevens Haberman Lynch

Excused and not voting, 3:

Landis Preister Rasmussen

The motion to cease debate prevailed with 42 ayes, 1 nay, 3 present and not voting, and 3 excused and not voting.

Mr. Hall moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Mr. Chambers requested a roll call vote on the Lindsay motion to overrule the Chair.

Voting in the affirmative, 31:

Abboud	Crosby	Hartnett	Matzke	Robinson
Avery	Cudaback	Hillman	McKenzie	Schmitt
Beutler	Dierks	Hudkins	Monen	Vrtiska
Bohlke	Elmer	Janssen	Moore	Wehrbein
Bromm	Engel	Kristensen	Pedersen	Wesely
Byars	Fisher	Lindsay	Robak	Wickersham
Coordsen				

Voting in the negative, 15:

Ashford	Day	Jones	Schellpeper	Will
Bernard-Stevens	Haberman	Lynch	Schimek	Witek
Chambers	Hall	Pirsch	Warner	Withem

Excused and not voting, 3:

Landis Preister Rasmussen

The Lindsay motion to overrule the Chair prevailed with 31 ayes, 15 nays, and 3 excused and not voting.

The Chair was overruled.

Mr. Chambers requested a roll call vote on the Standing Committee amendment, AM3473.

Voting in the affirmative, 36:

Abboud	Cudaback	Hartnett	McKenzie	Schmitt
Avery	Day	Hillman	Monen	Vrtiska
Beutler	Dierks	Hudkins	Moore	Wehrbein
Bohlke	Elmer	Janssen	Pedersen	Wesely
Bromm	Engel	Kristensen	Robak	Wickersham
Byars	Fisher	Lindsay	Robinson	Will
Coordsen	Hall	Matzke	Schellpeper	Withem
Crosby				

Voting in the negative, 4:

Ashford	Pirsch	Schimek	Witek

Present and not voting, 6:

Bernard-Stevens	Chambers	Jones	Lynch	Warner
	Haberman			

Excused and not voting, 3:

Landis	Preister	Rasmussen

The Standing Committee amendment was adopted with 36 ayes, 4 nays, 6 present and not voting, and 3 excused and not voting.

Mr. Hall requested a roll call vote on the Abboud motion to invoke cloture.

Voting in the affirmative, 36:

Abboud	Crosby	Hillman	Monen	Vrtiska
Ashford	Cudaback	Hudkins	Moore	Warner
Avery	Dierks	Janssen	Pirsch	Wehrbein
Beutler	Elmer	Jones	Robak	Wesely
Bohlke	Engel	Kristensen	Robinson	Wickersham
Bromm	Fisher	Lindsay	Schellpeper	Witek
Byars	Hartnett	Matzke	Schmitt	Withem
Coordsen				

Voting in the negative, 3:

Chambers	Hall	Pedersen

Present and not voting, 7:

Bernard-Stevens	Day	Lynch	Schimek	Will
	Haberman	McKenzie		

Excused and not voting, 3:

Landis	Preister	Rasmussen

The Abboud motion for cloture prevailed with 36 ayes, 3 nays, 7 present and not voting, and 3 excused and not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 34:

Abboud	Coordsen	Hudkins	Pirsch	Wehrbein
Ashford	Cudaback	Janssen	Robak	Wesely
Avery	Dierks	Jones	Robinson	Wickersham
Beutler	Elmer	Kristensen	Schellpeper	Will
Bohlke	Engel	Lindsay	Schmitt	Witek
Bromm	Fisher	Matzke	Vrtiska	Withem
Byars	Hartnett	Monen	Warner	

Voting in the negative, 5:

Chambers	Crosby	Hall	Lynch	Pedersen

Present and not voting, 7:

Bernard-Stevens	Day	Hillman	Moore	Schimek
	Haberman	McKenzie		

Excused and not voting, 3:

Landis	Preister	Rasmussen

Advanced to E & R for review with 34 ayes, 5 nays, 7 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Beutler asked unanimous consent to have his name added as cointroducer to LB 817. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Lindsay asked unanimous consent to print the following amendment to LB 37 in the Journal. No objections. So ordered.

AM3667

1. Strike section 1 and insert the following new sections:

"Section 1. That section 39-2507, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-2507. The following factors and weights shall be used in determining the amount to be allocated to each of the counties for road purposes ~~in the year 1972 and~~ each year~~thereafter:~~

(1) ~~Rural population of each county, as determined by the most recent federal census, twenty percent;~~

~~(2)~~ Total population of each county, as determined by the most recent federal census, ~~ten~~ thirty-five percent;

~~(3)~~ (2) Lineal feet of bridges twenty feet or more in length and all overpasses in each county, as determined by the most recent inventory available within the Department of Roads, ten percent, and for purposes of this subdivision a bridge or overpass located partly in one county and partly in another shall be considered as being located one-half in each county;

~~(4) Total motor vehicle registrations, other than prorated commercial vehicles, in the rural areas of each county, as determined from the most recent information available from the Department of Motor Vehicles, twenty percent;~~

~~(5)~~ Total motor vehicle registrations, other than prorated commercial vehicles, in each county as determined from the most recent information available from the Department of Motor Vehicles, ~~ten~~ thirty-five percent; and

~~(6)~~ (3) Total miles of county and township roads within each county, as determined by the most recent inventory available within the Department of Roads, twenty percent. ; ~~and~~

~~(7) Value of farm products sold from each county, as determined from the most recent federal Census of Agriculture, ten percent.~~

Sec. 2. Section 4 of this act shall become operative on October 1, 1994. The other sections of this act shall become operative on their effective date.

Sec. 3. That original section 39-2507, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. Renumber the remaining section accordingly.

Ms. Schimek asked unanimous consent to print the following amendment to LB 1003 in the Journal. No objections. So ordered.

(Amendment, AM4138, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Withem asked unanimous consent to print the following amendment to LB 1224 in the Journal. No objections. So ordered.

AM4127

(Amendments to Standing Committee amendment, AM4049)

1. Insert the following new section:

"Sec. 45. That section 42-364, Revised Statutes Supplement, 1993, be amended to read as follows:

42-364. (1) When dissolution of a marriage or legal separation is decreed, the court may include a parenting plan developed under the Parenting Act, if a parenting plan has been so developed, and such orders in relation to any minor child and the child's maintenance as are justified, including placing the minor child in the custody of the court or third parties or terminating parental rights pursuant to this section if the best interests of the minor child require such orders. Custody and time spent with each parent shall be determined on the basis of the best interests of the minor child with the objective of maintaining the ongoing involvement of both parents in the minor child's life. Subsequent changes may be made by the court after hearing on such notice as prescribed by the court.

(2) In determining custody arrangements and the time to be spent with each parent, the court shall consider the best interests of the minor child which shall include, but not be limited to:

(a) The relationship of the minor child to each parent prior to the commencement of the action or any subsequent hearing;

(b) The desires and wishes of the minor child if of an age of comprehension regardless of chronological age, when such desires and wishes are based on sound reasoning; and

(c) The general health, welfare, and social behavior of the minor child.

(3) In determining custody arrangements and the time to be spent with each parent, the court shall not give preference to either parent based on the sex of the parent and no presumption shall exist that either parent is more fit or suitable than the other.

(4) Regardless of the custody determination of the court, (a) each parent shall continue to have full and equal access to the education and medical records of his or her child unless the court orders to the contrary and (b) either parent may make emergency decisions affecting the health or safety of his or her child while the child is in the physical

custody of such parent pursuant to a visitation order entered by the court.

(5) After a hearing in open court, the court may place the custody of a minor child with both parents on a shared or joint custody basis when both parents agree to such an arrangement. In that event, each parent shall have equal rights to make decisions in the best interests of the minor child in his or her custody. The court may place a minor child in joint custody after conducting a hearing in open court and specifically finding that joint custody is in the best interests of the minor child regardless of any parental agreement or consent.

(6) In determining the amount of child support to be paid by a parent, the court shall consider the earning capacity of each parent and the guidelines provided by the ~~Supreme Court~~ Department of Social Services pursuant to section 42-364.16 for the establishment of child support obligations. Upon application, hearing, and presentation of evidence of an abusive disregard of the use of child support money paid by one party to the other, the court may require the party receiving such payment to file a verified report with the court, as often as the court requires, stating the manner in which such money is used. Child support paid to the party having custody of the minor child shall be the property of such party except as provided in section 43-512.07. The clerk of the district court shall maintain a record, separate from all other judgment dockets, of all decrees and orders in which the payment of child support or spousal support has been ordered, whether ordered by a district court, separate juvenile court, or county court sitting as a juvenile court. Orders for child support in cases in which a party has applied for services under Title IV-D of the Social Security Act, as amended, shall be reviewed as provided in sections 43-512.12 to 43-512.18.

(7) Whenever termination of parental rights is placed in issue by the pleadings or evidence, the court shall transfer jurisdiction to a juvenile court established pursuant to the Nebraska Juvenile Code unless a showing is made that the district court is a more appropriate forum. In making such determination, the court may consider such factors as cost to the parties, undue delay, congestion of dockets, and relative resources available for investigative and supervisory assistance. A determination that the district court is a more appropriate forum shall not be a final order for the purpose of enabling an appeal. If no such transfer is made, the court shall appoint an attorney as guardian ad litem to protect the interests of any minor child. The court may terminate the parental rights of one or both parents after notice and hearing when the court finds such action to be in the best

interests of the minor child and it appears by the evidence that one or more of the following conditions exist:

(a) The minor child has been abandoned by one or both parents;

(b) One parent has or both parents have substantially and continuously or repeatedly neglected the minor child and refused to give such minor child necessary parental care and protection;

(c) One parent is or both parents are unfit by reason of debauchery, habitual use of intoxicating liquor or narcotic drugs, illegal possession or sale of illegal substances, or repeated lewd and lascivious behavior, which conduct is found by the court to be seriously detrimental to the health, morals, or well-being of the minor child; or

(d) One parent is or both parents are unable to discharge parental responsibilities because of mental illness or mental deficiency and there are reasonable grounds to believe that such condition will continue for a prolonged indeterminate period.

(8) Whenever termination of parental rights is placed in issue, the court shall inform a parent who does not have legal counsel of the parent's right to retain counsel and of the parent's right to retain legal counsel at county expense if such parent is unable to afford legal counsel. If such parent is unable to afford legal counsel and requests the court to appoint legal counsel, the court shall immediately appoint an attorney to represent the parent in the termination proceedings. The court shall order the county to pay the attorney's fees and all reasonable expenses incurred by the attorney in protecting the rights of the parent. At such hearing, the guardian ad litem shall take all action necessary to protect the interests of the minor child. The court shall fix the fees and expenses of the guardian ad litem and tax the same as costs but may order the county to pay on finding the responsible party indigent and unable to pay.".

2. Insert the following new amendment:

"16. On page 30, strike beginning with 'The' in line 11 through the comma in line 12, show as stricken, and insert '(1) The Department of Social Services shall adopt and promulgate rules and regulations to provide'; and in line 13 after the period insert 'The child support guidelines shall set the child support obligation at not less than fifty dollars and not more than one thousand dollars per child per month. Such guidelines shall consider:

(a) The income of both parties from all sources;

(b) The value of real and personal property in which each party has a legal or equitable interest, including household assets;

(c) The relative wage-earning capacity of each

party;

(d) The number of children being supported by each party whether of the current or a previous marriage; and

(e) The total number of members of the household of each party which are being supported by each party, including members being cared for due to physical or mental infirmity which has resulted in the inability of such member to care for himself or herself.

(2)'".

3. On page 26, line 22, after the semicolon insert "in line 2 after the last comma insert '42-364,';".

4. Renumber the remaining sections and amendments and correct the internal references accordingly.

VISITORS

Visitors to the Chamber were 17 seniors and sponsor from Loomis; and 18 juniors and seniors and sponsor from Stratton High School.

The Doctor of the Day was Les Veskrna from Lincoln.

ADJOURNMENT

At 11:50 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:30 a.m., Tuesday, March 29, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

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FORTY-NINTH DAY - MARCH 29, 1994

LEGISLATIVE JOURNAL

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LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 29, 1994

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Gretchen Naugle, Beautiful Savior Lutheran Church, Palmyra, Nebraska, and Martin Luther Home Society.

ROLL CALL

The roll was called and all members were present except Mr. Landis who was excused; and Messrs. Abboud, Bromm, Hall, Hartnett, Moore, Wickersham, Will, Mmes. McKenzie, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-eighth day was approved.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: 355, 356, and 364.

GENERAL FILE

LEGISLATIVE BILL 1224. Title read. Considered.

Standing Committee amendment, AM4049, printed separately from the Journal and referred to on page 1447, was considered.

Mr. Wesely requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:
FA507

1. Strike original sections 35, 36, 43 to 45, 75 to 79, 85 and 86 and insert the following new sections:

Sec. 45. That section 42-364.13, Revised Statutes Supplement, 1993, be amended to read as follows:

42-364.13. (1) Any order for support entered by the court shall specifically provide that any person ordered to pay a judgment shall be required to furnish to the clerk of the district court his or her address, telephone number, and social security number, the name of his or her employer, whether or not such person has access to employer-related health insurance coverage and, if so, the health insurance policy information, and any other information the court deems relevant until such judgment is paid in full. The person shall also be required to advise the clerk of any changes in such information between the time of entry of the decree and the payment of the judgment in full. If both parents are parties to the action, such order shall provide that each be required to furnish to the clerk of the district court whether he or she has access to employer-related health insurance coverage and, if so, the health insurance policy information. Failure to comply with this section shall be punishable by contempt.

(2) If any case contains an order or judgment for child, medical, or spousal support, the order shall include the following statements:

In the event (respondent or petitioner) fails to pay any child, medical, or spousal support payment, as such failure is certified each month by the district court clerk in cases in which court-ordered support is delinquent in an amount equal to the support due and payable for a one-month period of time, he or she shall be subject to income withholding and may be required to appear in court on a date to be determined by the court and show cause why such payment was not made. In the event that the (respondent or petitioner) fails to pay and appear as ordered, a warrant shall be issued for his or her arrest.

(3) If the court orders income withholding regardless of whether or not payments are in arrears pursuant to section 43-1718.01 or section 67 of this act, the statement in subsection (2) of this section may be altered to read as follows:

In the event (respondent or petitioner) fails to pay any child, medical, or spousal support payment, as such failure is certified each month by the district court clerk in

cases in which court-ordered support is delinquent in an amount equal to the support due and payable for a one-month period of time, he or she may be required to appear in court on a date to be determined by the court and show cause why such payment was not made. In the event that the (respondent or petitioner) fails to pay and appear as ordered, a warrant shall be issued for his or her arrest.

Sec. 64. That section 43-1701, Revised Statutes Supplement, 1992, be amended to read as follows:

43-1701. Sections 43-1701 to 43-1743 and section 67 of this act shall be known and may be cited as the Income Withholding for Child Support Act.

Sec. 66. That section 43-1718, Revised Statutes Supplement, 1992, be amended to read as follows:

43-1718. A support order shall constitute and shall operate as an assignment, to the clerk of the district court designated to receive the payment, of that portion of an obligor's income as will be sufficient to pay the amount ordered for child, spousal, or medical support and shall be binding on any existing or future employer or other payor of the obligor. ~~For support orders in all cases issued before September 6, 1991, and for support orders issued or modified on or after September 6, 1991, in cases in which no party has applied for services under Title IV-D of the Social Security Act, as amended, the~~ The assignment shall take effect as provided in section 43-1718.01 or section 67 of this act or on the date on which the payments are delinquent in an amount equal to the support due and payable for a one-month period of time, whichever is earlier. ~~and for support orders issued or modified on or after September 6, 1991, in cases in which one of the parties receives services under Title IV-D of the Social Security Act, as amended, the assignment shall take effect as provided in section 43-1718.01.~~

An assignment shall have priority as against any attachment, execution, or other assignment unless otherwise specifically ordered by a court of competent jurisdiction.

The clerk of the district court in each county shall be responsible for administering income withholding. The clerk of the district court in administering income withholding shall keep accurate records to document, track, and monitor support payments.

Sec. 67. (1) In any case in which services are not provided under Title IV-D of the Social Security Act, as amended, and a support order has been issued on or after the effective date of this act, the obligor's income shall be subject to income withholding regardless of whether or not payments pursuant to such order are in arrears, and the court shall require such income withholding in its order unless:

(a) One of the parties demonstrates and the court

finds that there is good cause not to require immediate income withholding; or

(b) A written agreement between the parties providing an alternative arrangement is incorporated into the support order.

(2) If the court pursuant to subsection (1) of this section orders income withholding regardless of whether or not payments are in arrears, the obligor shall prepare a notice to withhold income. The notice to withhold income shall be substantially similar to a prototype prepared by the Department of Social Services and made available by the department to the State Court Administrator and the clerks of the district courts. The notice to withhold shall direct:

(a) That the employer or other payor shall withhold from the obligor's disposable income the amount stated in the notice to withhold for the purpose of satisfying the obligor's ongoing obligation for support payments as they become due and if there are arrearages, reducing such arrearages in child, spousal, or medical support payments arising from the obligor's failure to fully comply with a support order;

(b) That the employer or other payor shall pay to the obligor, on his or her regularly scheduled payday, such income then due which is not required to be withheld as stated on the notice or pursuant to any court order;

(c) That the employer or other payor shall not withhold more than the maximum amount permitted to be withheld under section 303(b) of the Consumer Credit Protection Act, 15 U.S.C. 1673(b)(2)(A) and (B), and the amount withheld to satisfy an arrearage of child, spousal, or medical support when added to the amount withheld to pay current support and the fee provided for in subdivision (2)(d) of this section shall not exceed such maximum amount;

(d) That the employer or other payor may assess an additional administrative fee from the obligor's disposable income not to exceed two dollars and fifty cents in any calendar month as compensation for the employer's or other payor's reasonable cost incurred in complying with the notice;

(e) That the employer or other payor shall remit, within ten days of the date the obligor is paid and in the manner specified in the notice, the income withheld, less the deduction allowed as an administrative expense by subdivision (2)(d) of this section, to the clerk of the district court designated in the notice and shall notify such clerk of the date such income was withheld;

(f) That the notice to withhold income shall terminate with respect to the employer or other payor without any court action or action by the obligor thirty days after the obligor ceases employment with or is no longer entitled to income from such employer or other payor;

(g) That the employer or other payor may combine amounts required to be withheld from the income of two or more obligors in a single payment to each clerk designated in a notice to withhold income if the portion of the single payment which is attributable to each individual obligor is separately identified;

(h) That an employer or other payor who fails to withhold and remit income of an obligor after receiving proper notice or who discriminates, demotes, disciplines, or terminates an employee or payee after receiving a notice to withhold income shall be subject to the penalties prescribed in subsections (4) and (5) of this section; and

(i) That if the employer or other payor receives more than one notice to withhold income of a single obligor and the amount of income available to be withheld pursuant to the limits specified in subdivision (c) of this subsection is insufficient to satisfy the total support amount certified in the notices, the income available shall first be applied to current support. If the total amount of income available to be withheld is insufficient to satisfy the total amount of current support certified by the notices, the employer or other payor shall withhold for each notice the proportion that the amount of the current support certified in such notice bears to the total amount of current support certified in all notices received for the obligor. Any remaining income available to be withheld after current support is satisfied for all notices shall be applied to arrearages. If arrearages are certified in more than one notice, the employer or other payor shall withhold for each notice the proportion that the amount of the arrearage certified in such notice bears to the total amount of arrearage certified in all notices received for the obligor.

Compliance with the order by the employer or other payor shall operate as a discharge of the employer's or other payor's liability to the obligor as to the portion of the obligor's income withheld.

(3) The obligor shall deliver the notice to withhold income to his or her current employer or other payor and provide a copy of such notice to the clerk of the district court.

(4) Any employer or other payor who fails to withhold and remit any income of an obligor receiving income from the employer or other payor, after proper notice as provided in subsection (2) of this section, shall be required to pay to the clerk of the district court the amount specified in the notice.

(5) An employer or other payor shall not use an order or notice to withhold income or order or the possibility of income withholding as a basis for (a) discrimination in

hiring, (b) demotion of an employee or payee, (c) disciplinary action against an employee or payee, or (d) termination of an employee or payee.

Upon application by the obligor and after a hearing on the matter, the court may impose a civil fine of up to five hundred dollars for each violation of this section.

An employer or other payor who violates this section may be required to make full restitution to the aggrieved employee or payee, including reinstatement and backpay.

(6) When an obligor ceases employment with or is no longer entitled to income from an employer or other payor, the notice to withhold income shall not cease to operate against the obligor and income withholding shall continue to apply to any subsequent employment or income of the obligor. The notice to withhold income shall terminate with respect to the employer or other payor without any court action or action by the obligor thirty days after the obligor ceases employment with or is no longer entitled to income from such employer or other payor. A notice to withhold income shall also terminate when the child, spousal, or medical support obligation terminates and all past-due support has been paid, in which case the obligor shall notify the employer or other payor to cease withholding income.

(7) A notice to withhold income may be modified or revoked by a court of competent jurisdiction as a result of modification of the support order. A notice to withhold income may also be modified or revoked by a court of competent jurisdiction, for other good cause shown, after notice and a hearing on the issue.

(8) The obligee or obligor may file an action in district court to enforce this section.

(9) If any case under this section becomes a case in which services are provided under Title IV-D of the Social Security Act, as amended, the county attorney or authorized attorney or the Director of Social Services shall implement income withholding as provided in the Income Withholding for Child Support Act.

Sec. 68. That section 43-1720, Revised Statutes Supplement, 1993, be amended to read as follows:

43-1720. If the Director of Social Services has previously sent a notice of assignment and opportunity for hearing on the same support order under section 48-647, the county attorney or authorized attorney shall certify the amount to be withheld from an obligor's disposable income pursuant to section 43-1722 and shall notify the obligor's employer or other payor pursuant to section 43-1723. If the director has not previously sent such notice, and except in cases in which the court has ordered income withholding pursuant to subsection (1) of section 43-1718.01 or section 67

of this act, upon receiving certification pursuant to section 42-358 or notice of delinquent payments of medical support, the county attorney or authorized attorney shall send a notice by certified mail to the last-known address of the obligor stating:

(1) That an assignment of his or her income by means of income withholding will go into effect within fifteen days from the date the notice is sent;

(2) That the income withholding will continue to apply to any subsequent employer or other payor of the obligor;

(3) The amount of support the obligor owes;

(4) The amount of income that will be withheld; and

(5) That within the fifteen-day period, the obligor may request a hearing in the manner specified in the notice to contest a mistake of fact. For purposes of this subdivision, mistake of fact shall mean (a) an error in the amount of current or overdue support, (b) an error in the identity of the obligor, or (c) an error in the amount to be withheld as provided in section 43-1722.

Sec. 69. That section 43-1722, Revised Statutes Supplement, 1993, be amended to read as follows:

43-1722. (1) If no hearing is requested by the obligor, (2) if after a hearing the department determines that the assignment should go into effect, ~~or~~ (3) in cases in which the court has ordered income withholding pursuant to subsection (1) of section 43-1718.01, or (4) in cases in which the court has ordered income withholding pursuant to section 67 of this act and the case is one in which services are provided under Title IV-D of the Social Security Act, as amended, the county attorney or authorized attorney shall certify the amount to be withheld from the obligor's disposable income. Such amount shall not in any case exceed the maximum amount permitted to be withheld under section 303(b) of the Consumer Credit Protection Act, 15 U.S.C. 1673(b)(2)(A) and (B), and the amount withheld to satisfy an arrearage of child, spousal, or medical support when added to the amount withheld to pay current support and the fee provided for in section 43-1723 shall not exceed such maximum amount.

Sec. 81. That section 48-647, Revised Statutes Supplement, 1993, be amended to read as follows:

48-647. (1) Any assignment, pledge, or encumbrance of any right to benefits which are or may become due or payable under sections 48-623 to 48-626 shall be void except as set forth in this section. Such rights to benefits shall be exempt from levy, execution, attachment, or any other remedy whatsoever provided for the collection of debt. Benefits received by any individual, so long as they are not

mingled with other funds of the recipient, shall be exempt from any remedy whatsoever for the collection of all debts except debts incurred for necessaries furnished to such individual or his or her spouse or dependents during the time when such individual was unemployed. Any waiver of any exemption provided for in this section shall be void. Any assignment, pledge, or encumbrance of any right or claim to contributions or to any money credited to any employer's reserve account in the Unemployment Compensation Fund shall be void, and the same shall be exempt from levy, execution, attachment, or any other remedy whatsoever provided for the collection of debt, and any waiver of any exemption provided for in this section shall be void.

(2)(a) An individual filing a new claim for unemployment compensation shall, at the time of filing such claim, disclose whether or not he or she owes child support obligations as defined under subdivision (h) of this subsection. If such individual discloses that he or she owes child support obligations and is determined to be eligible for unemployment compensation, the commissioner shall notify the Director of Social Services that the individual has been determined to be eligible for unemployment compensation.

(b) The commissioner shall deduct and withhold from any unemployment compensation otherwise payable to an individual disclosing child support obligations:

(i) The amount specified by the individual to the commissioner to be deducted under this subsection, if neither subdivision (ii) nor (iii) of this subdivision is applicable;

(ii) The amount, if any, determined pursuant to an agreement between the Director of Social Services and such individual owing the child support obligations to have a specified amount withheld and such agreement being submitted to the commissioner, unless subdivision (iii) of this subdivision is applicable; or

(iii) The amount otherwise required to be so deducted and withheld from such unemployment compensation pursuant to legal process, as that term is defined in subdivision (2)(i) of this section, properly served upon the commissioner.

(c) Any amount deducted and withheld under subdivision (b) of this subsection shall be paid by the commissioner to the Director of Social Services.

(d) Any amount deducted and withheld under subdivision (b) or (g) of this subsection shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by such individual to the Director of Social Services in satisfaction of his or her child support obligations.

(e) For purposes of subdivisions (a) through (d) and

(g) of this subsection, the term unemployment compensation shall mean any compensation payable under the Employment Security Law and including amounts payable by the commissioner pursuant to an agreement by any federal law providing for compensation, assistance, or allowances with respect to unemployment.

(f) This subsection ~~applies~~ shall apply only if appropriate arrangements have been made for reimbursement by the Department of Social Services for the administrative costs incurred by the commissioner under this section which are attributable to child support obligations being enforced by the Department of Social Services.

(g) The Director of Social Services and the commissioner shall develop and implement a collection system to carry out the intent of this subdivision. The system shall, at a minimum, provide that:

(i) The commissioner shall periodically notify the director of the information listed in section 43-1719 with respect to individuals determined to be eligible for unemployment compensation during such period;

(ii) Unless the county attorney or authorized attorney has sent a notice on the same support order under section 43-1720, upon the notification required by subdivision (2)(g)(i) of this section, the director shall send notice to any such individual who owes child support obligations and who is subject to income withholding pursuant to subdivision (2)(a), (2)(b)(ii), or (2)(b)(iii) of section 43-1718.01. The notice shall be sent by certified mail to the last-known address of the individual and shall state the same information as required under section 43-1720;

(iii)(A) If the support obligation is not based on a foreign support order entered pursuant to section 43-1729 and the individual requests a hearing, the Department of Social Services shall hold a hearing within fifteen days of the date of receipt of the request. The hearing shall be in accordance with the Administrative Procedure Act. The assignment shall be held in abeyance pending the outcome of the hearing. The department shall notify the individual and the commissioner of its decision within fifteen days of the date the hearing is held; and

(B) If the support obligation is based on a foreign support order entered pursuant to section 43-1729 and the individual requests a hearing, the county attorney or authorized attorney shall apply the procedures described in sections 43-1732 to 43-1742;

(iv)(A) If no hearing is requested by the individual under this subsection or pursuant to a notice sent under section 43-1720, (B) if after a hearing under this subsection or section 43-1721 the department determines that the

assignment should go into effect, ~~or~~ (C) in cases in which the court has ordered income withholding pursuant to subsection (1) of section 43-1718.01, or (D) in cases in which the court has ordered income withholding pursuant to section 67 of this act and services are being provided under Title IV-D of the Social Security Act, as amended, the director shall certify to the commissioner the amount to be withheld from the individual's unemployment compensation. Such amount shall not in any case exceed the maximum amount permitted to be withheld under section 303(b) of the Consumer Credit Protection Act, 15 U.S.C. 1673(b)(2)(A) and (B), and the amount withheld to satisfy an arrearage of child support when added to the amount withheld to pay current support shall not exceed such maximum amount;

(v) The collection system shall comply with the requirements of Title III and Title IV-D of the Social Security Act, as amended;

(vi) The collection system shall be in addition to and not in substitution for or derogation of any other available remedy; and

(vii) The director and the commissioner shall adopt and promulgate rules and regulations to carry out subdivision (2)(g) of this section.

(h) For purposes of this subsection, the term child support obligations shall include only obligations which are being enforced pursuant to a plan described in section 454 of the Social Security Act which has been approved by the Secretary of Health and Human Services under Part D of Title IV of the Social Security Act.

(i) For purposes of this subsection, the term legal process shall mean any writ, order, summons, or other similar process in the nature of garnishment, which:

(i) Is issued by a court of competent jurisdiction of any state, territory, or possession of the United States or an authorized official pursuant to order of such a court of competent jurisdiction or pursuant to state law. For purposes of this subdivision, the Director of Social Services shall be deemed an authorized official pursuant to order of a court of competent jurisdiction or pursuant to state law; and

(ii) Is directed to, and the purpose of which is to compel, the commissioner to make a payment for unemployment compensation otherwise payable to an individual in order to satisfy a legal obligation of such individual to provide child support.

Sec. 84. That section 77-27,160, Revised Statutes Supplement, 1993, be amended to read as follows:

77-27,160. It is the intent of the Legislature to establish and maintain a procedure to set off against a debtor's income tax refund or state lottery prize any debt

which is assigned to the Department of Social Services or which any individual not eligible as a public assistance recipient is attempting to collect, which has accrued through written contract, subrogation, or court judgment and is in the form of a liquidated amount due and owing for the care, support, or maintenance of a child or for spousal support.".

15. On page 22, line 15, strike "and"; and in line 27 after "amended" insert "; and

(7) The advisability of establishing a centralized support judgment registry for all support orders in order to facilitate the more effective and efficient use of liens to enforce support orders and to act as a repository for the notification of court-ordered judgments".

16. On page 34, lines 14 and 20 to 23, strike the new matter and reinstate the stricken matter.

17. On page 44, line 28, after "be" insert "in essentially".

18. On page 45, line 21, after "received" insert ", as provided in subsection (1) of section 71-612".

19. On page 75, line 23, after "child" insert "or for spousal support".

20. On page 76, lines 4 and 7, after "child" insert ", spousal,"; in line 10 strike "as defined in section 43-1715" and show as stricken; in line 24 strike "and" and show as stricken; in line 25 after "(5)" insert "Spousal support shall have the same meaning as in section 43-1715; and (6)".

23. On page 83, line 1, strike "43-1704," and insert "43-1701, 43-1704, 43-1718, and" and strike "83-1,107, and 83-1,108,"; and in line 3 strike beginning with "48-139" through the fifth comma and insert "42-364.13, 43-1720, 43-1722, 48-647, 77-27,160,".

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 695A. Placed on Select File.
LEGISLATIVE BILL 974A. Placed on Select File.
LEGISLATIVE BILL 1243A. Placed on Select File.

(Signed) Janis M. McKenzie, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 677 in the Journal. No objections. So ordered.

(Amendment, AM4085, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

RESOLUTION

LEGISLATIVE RESOLUTION 378. Introduced by Lynch, 13; Coordsen, 32; Janssen, 15; Cudaback, 36; Vrtiska, 1.

PURPOSE: The purpose of this resolution is to continue to examine and quantify the amount of building projects planned for state-owned buildings begun with Interim Study resolution LR 151, 1993. This study shall include: (1) An examination of deferred maintenance projects, ADA compliance projects, and fire, life, and safety projects; and (2) an examination and development of methods of funding a plan for building improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Building Maintenance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1224. Mr. Chambers offered the following amendment to the first pending Standing Committee amendment:
FA510

Amend AM4049

Page 11, line 13, strike "may" and insert "shall"

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Robinson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bernard-Stevens moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

MS. SCHIMEK PRESIDING

The Chambers amendment was adopted with 28 ayes, 1 nay, 12 present and not voting, and 8 excused and not voting.

Mr. Withem renewed his pending amendment, AM4127, found in the Journal on page 1510, to the first Standing Committee amendment.

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem withdrew his amendment.

The first Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

The second Standing Committee amendment is as follows:
FA508

"Sec. 5. The Department of Health shall study and make recommendations regarding teen pregnancy prevention. This study shall include teen parents, professionals serving teen parents, and a review of other appropriate and relevant studies. This study shall consider issues and make specific recommendations regarding the unique characteristics and needs related to teen pregnancy prevention at a community level on a statewide basis. This study and recommendations shall be presented to the Governor's Roundtable not later than September 15, 1994.

2. On page 3, line 5, after "of" insert "current and former welfare recipients and"; and in line 21 strike "and 4" and insert "to 5".

3. On page 4, line 11, after the period insert "The study shall include analysis, information, and recommendations regarding child care and health care financing by families and its relationship to employment and economic self-sufficiency.".

5. On page 6, line 1, strike beginning with "disincentives" through "(11)"; in line 2 strike "(12)" and insert "(11)"; strike beginning with "The" in line 24 through

line 27 and insert "The Nebraska Training Partnership and Nebraska's postsecondary educational institutions shall identify education and short-term skills enhancement training and strategic actions needed to meet the current and future education and training needs of Nebraskans in the 1990's and beyond and shall present their recommendations to the Governor's Roundtable not later than September 15, 1994." and in line 28, before "The" insert "(1)".

Mr. Chambers offered the following amendment to the second Standing Committee amendment:
FA511
Page 1, line 12, add: "In no case shall any recommendation be that teenagers 'just say no'."

Mr. Chambers withdrew his amendment.

Mr. Bernard-Stevens moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Rasmussen moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The second Standing Committee amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Messrs. Lindsay, Bernard-Stevens, Schellpeper, and Avery asked unanimous consent to print the following amendment to LB 988 in the Journal. No objections. So ordered.

AM4092

(Amendments to Final Reading copy)

1. On page 5, line 4, strike "not authorize" and insert "apply to"; and in line 5 after "28-1204" insert ", except as specifically provided in subsection (2) of section 28-1204".

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 694 in the Journal. No objections. So ordered.

AM4112

(Amendments to E & R amendments, AM5650)

1. Insert the following new section:

"Sec. 109. That section 9-629, Revised Statutes Supplement, 1992, be amended to read as follows:

9-629. (1) Except as provided in section 9-629.02, the gross proceeds of any lottery conducted by a county, city, or village shall be used solely for community betterment purposes, awarding of prizes, taxes, and expenses.

(2) Not less than sixty-five percent of the gross proceeds shall be used for the awarding of prizes, except that for purposes of conducting a lottery authorized by subdivision (1)(c)(ii) of section 9-607, not less than sixty-five percent of the gross proceeds during an annual period from July 1 to June 30 of each year shall be used for the awarding of prizes.

(3) Not more than fourteen percent of the gross proceeds shall be used to pay the expenses of operating the lottery, except that license fees paid to the department and audit or legal expenses incurred by the county, city, or village which relate directly to the conduct of operating such lottery ~~shall~~ need not be included in determining the fourteen-percent limitation on expenses.

(4) For purposes of this section, audit and legal expenses shall include all expenses relating to: (a) The governmental organization of the lottery; (b) government maintenance, monitoring, and examination of lottery records; and (c) enforcement, regulatory, administrative, investigative, and litigation functions undertaken by government, but shall not include the expenses of the actual conduct of the game. Audit and legal expenses during an annual period from July 1 to June 30 of each year in excess of one percent of gross proceeds or five thousand dollars, whichever is greater, shall be subject to the fourteen percent limitation on expenses under subsection (3) of this section. In the case of a joint lottery conducted pursuant to an interlocal agreement as provided for in section 9-625, the combined gross proceeds of the joint lottery shall be used to determine that portion of audit and legal expenses that are not subject to the fourteen percent limitation on expenses.".

2. On page 19, line 6; page 22, line 4; page 72, line 18; page 75, line 15; page 117, line 23; and page 120, line 20, strike "member,".

3. On page 21, line 19; page 24, line 4; page 75, line 4; and page 77, line 15, strike "agents, or members" and insert "or agents".

4. On page 34, line 9, strike "profits" and insert "receipts".

5. On page 51, line 5, after "the" insert "previous"; in line 6 strike "of the prior year"; and in line 19 strike "fixed expenses" and insert "the purchase, rental,

or lease of bingo equipment and the rental or lease of a premises for the conduct of bingo".

6. On page 67, line 18, after the semicolon insert "and"; and strike beginning with the semicolon in line 20 through "act" in line 22.

7. On page 105, line 22, strike "and" and show as stricken and before the period insert ", and allocations for bingo expenses as provided by subsection (5) of this section".

8. On page 106, line 17, after the period insert "When determining the six percent of definite profit that is permitted to pay the allowable expenses of operating a lottery by the sale of pickle cards, the definite profit from the sale of pickle cards at the organization's bingo occasions shall not be included.".

9. On page 107, line 5, after "the" insert "previous"; in line 6 strike "of the prior year"; and in lines 18 and 19 strike "fixed expenses" and insert "the purchase, rental, or lease of bingo equipment and the rental or lease of a premises for the conduct of bingo".

10. On page 120, lines 9 and 10; and page 122, lines 19 and 20, strike ", employees, or members" and insert "or employees".

11. On page 147, after line 23 insert the following new paragraph:

"To assist the council in carrying out its duties, the State Board of Education shall, in consultation with the council, adopt and promulgate rules and regulations establishing criteria, standards, and procedures regarding the selection and administration of programs funded from the Education Innovation Fund.".

12. On page 159, line 23, after "original" insert "section 9-629, Revised Statutes Supplement, 1992, and".

13. Renumber the remaining sections and correct internal references accordingly.

Mr. Avery and Ms. Schimek asked unanimous consent to print the following amendment to LB 76 in the Journal. No objections. So ordered.

AM4098

1. In AM3375, on page 12, line 2, after the period insert "If the Governor fails to remove the election commissioner or the chief deputy election commissioner when either the election commissioner or deputy, or both, are subject to removal under this section, any citizen of the county may institute an action to order the Governor to remove the election commissioner, chief deputy election commissioner, or both.".

2. On page 19, line 5, after the period insert "If

the county board fails to remove the election commissioner or the chief deputy election commissioner when either the election commissioner or deputy, or both, are subject to removal under this section, any citizen of the county may institute an action to order the county board to remove the election commissioner, chief deputy election commissioner, or both.".

VISITORS

Visitors to the Chamber were Minoru Okuda, Hiroe Nakanishi, Hikaru Oda, Naomi Harada, and Takashi Kawaike from Osaka, Japan; 35 fourth grade students and sponsors from Stanton Elementary School; 54 kindergarten through sixth grade students, principal, and sponsors from Stull School, Plattsmouth; 50 fifth grade students and teachers from Davenport/Clarmar Elementary School, Fremont; members of the Tri-Diocesan Council of Catholic Women from across the state; six guests from Sutton, Kenesaw, and Crete; and 15 members of G.P.G.E.O. Sisterhood, Grand Island.

RECESS

At 11:58 a.m., on a motion by Mr. Wesely, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mr. Beutler presiding.

ROLL CALL

The roll was called and all members were present except Mr. Landis who was excused; and Messrs. Ashford, Hall, Kristensen, Will, and Mrs. Hillman who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1224. The third Standing Committee amendment is as follows:
FA509

Sec. 14. The Nebraska Department of Social Services shall present a report, including a copy of all waiver requests to be submitted to the federal government pursuant to the provisions of the Welfare Reform Act, to the Legislature on or before December 1, 1994.

Sec. 27. It is the intent of the Legislature that family resource centers be considered a priority in the utilization of the federal funding allocated to Nebraska through the Family Preservation and Support Services, as

provided by Public Law 103-66, 1993.

Sec. 39. (1) The estate of a decedent who has received medical assistance benefits under the medical assistance program established under section 68-1018 shall be indebted to the Department of Social Services for the total amount paid for medical assistance on behalf of the decedent if:

(a) The decedent was fifty-five years of age or older at the time the medical assistance was provided; or

(b) The decedent resided in a medical institution and, at the time of institutionalization or application for medical assistance, whichever is later, the department determines that the decedent could not have reasonably been expected to be discharged and resume living at home. For purposes of this section, medical institution shall mean a skilled nursing facility, intermediate care facility, intermediate care facility for persons with mental retardation, nursing facility, or inpatient hospital.

(2) No debt to the department shall exist if the decedent is survived (a) by a spouse or (b) by a child who either is under twenty-one years of age or is blind or totally and permanently disabled as defined by the Supplemental Security Income criteria.

(3) The debt shall include the total amount of medical assistance provided when the recipient was fifty-five years of age or older or during a period of institutionalization as described in subsection (1) of this section and shall not include interest.

(4) In any probate proceedings in which the department has filed a claim under this section, no additional evidence of foundation shall be required for the admission of the department's payment record supporting its claim if the payment record bears the seal of the department, is certified as a true copy, and bears the signature of an authorized representative of the department.

(5) The department may waive or compromise its claim, in whole or in part, if the department determines that enforcement of the claim would not be in the best interests of the state or would result in undue hardship.

(6) The department may adopt and promulgate rules and regulations to carry out this section.

Sec. 40. That section 30-2487, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2487. (a) If the applicable assets of the estate are insufficient to pay all claims in full, the personal representative shall make payment in the following order:

(1) Costs ~~costs~~ and expenses of administration;

(2) Reasonable ~~reasonable~~ funeral expenses;

(3) Debts ~~debts~~ and taxes with preference under

federal law;

(4) Reasonable ~~reasonable~~ and necessary medical and hospital expenses of the last illness of the decedent, including compensation of persons attending ~~him~~ the decedent and claims filed by the Department of Social Services pursuant to section 39 of this act;

(5) Debts ~~debts~~ and taxes with preference under other laws of this state;

(6) All ~~all~~ other claims.

(b) No preference shall be given in the payment of any claim over any other claim of the same class, and a claim due and payable shall not be entitled to a preference over claims not due.

4. On page 5, line 12, before "The" insert "The Legislature finds and declares that the primary purpose of the welfare programs in this state is to provide temporary, transitional support for Nebraska families so that economic self-sufficiency is attained in as an expeditious manner as possible, with the goal of attaining such self-sufficiency within two years of initial receipt of public assistance. The Legislature further finds and declares that this goal is to be accomplished through individualized assessments of the personal and economic resources of each applicant for public assistance and through the use of individualized self-sufficiency contracts." and after "Legislature" insert "further"; in line 14 strike "financial" and insert "public"; in line 19 after "program" insert "in place of the existing complex and conflicting welfare programs"; in line 20 after "work" insert "and promoting economic self-sufficiency"; strike beginning with "limiting" in line 24 through "work" in line 25 and insert "basing the duration of public assistance upon the individual circumstances of each applicant"; in line 25 after "providing" insert "continuing"; in line 26 strike "over" and after "age" insert "or over"; and in line 28 strike "removing".

6. On page 7, line 8, after the period insert "The department shall not implement any waiver approved under this section until the provisions of the waiver as approved by the United States Department of Health and Human Services or the United States Department of Agriculture have been presented to and approved by the Legislature. At the end of the first year of implementation, the department shall identify any adjustments or adaptations that may be needed before the waivers are implemented in other areas of the state."; after line 12 insert:

"(2) The Department of Social Services shall apply for (a) a waiver to allow for a sliding fee schedule for the population served by the caretaker relative program or (b) pursue other public or private mechanisms, to provide for

transitional health care benefits to individuals and families who do not qualify for cash assistance."; and strike beginning with the second "the" in line 14 through "granted" in line 16 and insert "the Department of Social Services shall prepare a report of such statutes to be considered for change or amendment by the Legislature.".

7. On page 8, line 10, after the period insert "Eligibility Criteria for services under this section shall be the same for one-parent and for two-parent families."; and in line 22 after the period insert "This assessment shall also include a determination of the applicant's goals, employment background, educational background, housing needs, child care and transportation needs, health care needs, and other barriers to economic self-sufficiency.".

8. On page 10, line 9, after the period insert "The types of training, apprenticeships, or training positions may include, but need not be limited to, the ability to provide services such as home repairs, automobile repairs, respite care, foster care, personal care, and child care.".

9. On page 11, line 7, after the period insert "The department may purchase case management services. It is the intent of the Legislature that any case management utilized by the department shall include standards which emphasize communication skills; appropriate interviewing techniques; and methods for positive feedback, support, encouragement, and counseling. The case management provided shall also include a recognition of family dynamics and emphasize working with all family members; shall respect diversity; shall empower individuals; and shall include recognizing, capitalizing, and building on a family's strengths and existing support network. It is the intent of the Legislature that generally a case manager would have a family caseload of seventy cases."; in line 9, after the second comma insert "family planning,"; in line 11 after the period insert "For purposes of this section, family planning shall not include abortion counseling or referral for abortion."; strike beginning with "Because" in line 15 through "(2)" in line 19; and in line 24 strike "(3)" and insert "(2)".

10. On page 12, line 7, strike "adult members" and insert "one parent".

11. On page 13, after line 6 insert:

"(g) Unemployed or underemployed absent and able-to-work parents of children in the recipient family may participate in self-sufficiency contracts, employment, and payment of child support, and such absent parents may be required to pay all or a part of the costs of the self-sufficiency contracts."; in line 7 strike "(4)" and insert "(3)"; and in line 15 after "period" insert "or periods" and after "exceed" insert "a total of".

12. On page 14, line 1, after "state" insert "which shall provide assistance up to one hundred eighty-five percent of the federal poverty level for up to twenty-four months" and strike "and"; in line 3 strike "maximum"; in line 6 strike the period and insert "; and

(e) The self-sufficiency contract shall be revised and the two-year time period for cash assistance extended when there is no job available for adult members of the recipient family.

The department shall develop policy guidelines to allow for cash assistance to persons who have received the maximum cash assistance provided by this section and who face extreme hardship without additional assistance."; in line 17 after "payment" insert ", except that child support or other income received on behalf of such child or children shall not be considered as countable income to the recipient family in determining the amount of their cash assistance payment"; and in line 19 after "school" insert ". Education is a valuable personal resource. The cash assistance provided to the recipient family may be reduced when the minor children of the recipient family fail to regularly attend school. It is the intent of the Legislature that a process be developed to insure communication between the case manager, the parent or parents, and the school to address issues relating to school attendance".

13. On page 15, line 2, after "pursued" insert ". Support from parents as allowed under this subdivision shall not be pursued when the family income is less that three hundred percent of the federal poverty guidelines"; and in line 13 strike "a debit-card" and insert "an electronic benefit".

14. On page 16, line 1, strike "resources" and insert "total family income"; in line 5 strike "disregards" and insert "disregarding an amount of earned income equal to or including fifty to seventy percent of earned income"; in line 7 strike "not"; in line 16 strike "and"; and in line 19 after "support" insert "; and

(5) Each family may determine whether to accept cash assistance in an amount of the current payment standards or to accept a lower payment standard with the ability to have a higher earned income disregard".

21. On page 82, line 26, after the second comma insert "30-2487,".

22. Renumber the remaining sections and correct internal references accordingly.

Mrs. Crosby offered the following amendment to the third Standing Committee amendment:
AM4154

(Amendments to Standing Committee amendments, AM4049)

1. On page 23, line 22, strike "or" and insert an underscored comma; and in line 23, after "abortion" insert ", or funding for abortion".

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Mr. Jones moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Crosby moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mrs. Crosby requested a roll call vote on her amendment.

Voting in the affirmative, 26:

Abboud	Cudaback	Hartnett	Moore	Schellpeper
Avery	Dierks	Jones	Pedersen	Schmitt
Bromm	Engel	Kristensen	Pirsch	Vrtiska
Byars	Fisher	Lindsay	Preister	Wehrbein
Coordsen	Haberman	McKenzie	Robinson	Witek
Crosby				

Voting in the negative, 11:

Ashford	Chambers	Matzke	Schimek	Wickersham
Bernard-Stevens	Day	Rasmussen	Warner	Will
	Janssen			

Present and not voting, 7:

Beutler	Elmer	Monen	Wesely	Withem
Bohlke	Hudkins			

Excused and not voting, 5:

Hall	Hillman	Landis	Lynch	Robak

The Crosby amendment was adopted with 26 ayes, 11 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mrs. Crosby offered the following amendment to the third Standing Committee amendment:

AM4148

(Amendments to Standing Committee amendments, AM4049)

1. On page 24, strike beginning with the semicolon in line 26 through line 27 and insert "strike lines 18 and 19 and all amendments thereto; in line 20 strike '(d)' and insert '(c)'; and in line 23 strike '(e)' and insert '(d)'.".

2. On page 25, strike lines 1 through 7; and in line 11 after the semicolon insert "in line 3, strike '(f)' and insert '(e)';".

Mr. Kristensen and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bromm moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mrs. Crosby moved for a call of the house. The motion lost with 8 ayes, 10 nays, and 31 not voting.

Mrs. Crosby requested a roll call vote on her amendment.

Voting in the affirmative, 7:

Bernard-Stevens	Beutler	Dierks	Lindsay	Schimek
	Crosby	Hartnett		

Voting in the negative, 26:

Abboud	Day	Jones	Pirsch	Vrtiska
Ashford	Elmer	Kristensen	Rasmussen	Wesely
Bohlke	Fisher	Matzke	Robinson	Will
Bromm	Hudkins	Monen	Schellpeper	Witek
Byars	Janssen	Pedersen	Schmitt	Withem
Cudaback				

Present and not voting, 11:

Avery	Engel	Lynch	Preister	Wehrbein
Chambers	Haberman	Moore	Warner	Wickersham
Coordsen				

Excused and not voting, 5:

Hall	Hillman	Landis	McKenzie	Robak

The Crosby amendment lost with 7 ayes, 26 nays, 11 present and not voting, and 5 excused and not voting.

Messrs. Schellpeper and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved to reconsider the vote on the Crosby amendment, AM4148.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Chambers requested a record vote on his motion to reconsider the Crosby amendment.

Voting in the affirmative, 9:

Avery	Beutler	Crosby	Hartnett	Schimek
Bernard-Stevens	Chambers	Haberman	Lindsay	

Voting in the negative, 28:

Abboud	Day	Jones	Pirsch	Wesely
Ashford	Elmer	Kristensen	Rasmussen	Wickersham
Bohlke	Engel	Matzke	Robinson	Will
Bromm	Fisher	Monen	Schmitt	Witek
Coordsen	Hudkins	Moore	Warner	Withem
Cudaback	Janssen	Pedersen		

Present and not voting, 4:

Byars	Dierks	Preister	Vrtiska

Excused and not voting, 8:

Hall	Landis	McKenzie	Schellpeper	Wehrbein
Hillman	Lynch	Robak		

The Chambers motion to reconsider lost with 9 ayes, 28 nays, 4 present and not voting, and 8 excused and not voting.

Pending.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 379. Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Bromm, 23; Dierks, 40; Preister, 5; Schimek, 27; Vrtiska, 1.

PURPOSE: The purpose of this resolution is to examine the factors contributing to the rapidly escalating costs of workers' compensation insurance. The study shall include a comparison of premiums in Nebraska, an examination of injury experience in the state, the awards made by the Nebraska Workers' Compensation Court, the methods utilized by the Department of Insurance in approving premium increases, the possibility of private pooling arrangements like the arrangement proposed by LB1056, Ninety-Third Legislature, Second Session, 1993, and any other aspect of the workers' compensation system deemed appropriate by the committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 380. Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Bromm, 23; Chambers, 11; Dierks, 40; Preister, 5; Schimek, 27; Vrtiska, 1.

PURPOSE: The purpose of this study is to undertake an analysis of procedures, costs, internal operation, and any other issues relating to the Commission of Industrial Relations and the Industrial Relations Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 381. Introduced by Wickersham, 49; Day, 19; Fisher, 35; Crosby, 29; Lynch, 13; Robak, 22; Moore, 24.

PURPOSE: The purpose of the resolution is to examine the mechanics of implementing a cost-of-living adjustment ("COLA") for the retirement systems. The study shall include the review of the cost, feasibility, and design of COLAs for both the defined benefit plans and the defined contribution plans.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 382. Introduced by Wickersham, 49; Day, 19; Fisher, 35; Crosby, 29; Lynch, 13; Robak, 22; Moore, 24.

PURPOSE: In 1992, the Nebraska Legislature authorized a comprehensive study of the retirement systems. One component of that study reviewed "purchase of service" or "buy-back" provisions in Nebraska and other states.

The purpose of this resolution is to evaluate the conclusions and recommendations of the buy-back report. The study shall review:

(1) The need and cost for allowing employees who transfer employment among the systems to receive credit for prior service for eligibility and vesting purposes;

(2) The need and cost for allowing employees who transfer employment from other Nebraska public employment and evaluate the portability among Nebraska public plans;

(3) The reinstatement of lost credited service to rehired former employees who redeposit withdrawn employee contributions plus interest within three years of reemployment; address the crediting of forfeited employer contributions plus interest for the county and state plans; and review the allowance of financing of contributions over a period of years;

(4) Buy-back provisions for all defined benefit plans; provide parallel treatment for all defined benefit plans; review revision of the cost for the purchased service to equal combined current employee and employer contribution rate times the employee's current annual salary for each year purchased; and review the allowance of financing of buy-back for up to five years;

(5) Other periods of service that should be considered for buy-back; and prioritize additional buy-back opportunities;

(6) The implementation of the tracking of the actuarial costs of all buy-back provisions in the actuarial valuations of the systems;

(7) A mechanism for identifying subsidies in advance and making a separate actuarial provision regarding the projected cost of the benefit improvement; and

(8) The treatment of buy-back contributions as after-tax contributions; and monitor I.R.C. Section 415 issues.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 383. Introduced by Wickersham, 49; Day, 19; Fisher, 35; Crosby, 29; Lynch, 13; Robak, 22; Moore, 24.

PURPOSE: The purpose of this resolution is to authorize the completion of the comprehensive study of the public employees retirement systems administered by the Public Employees Retirement Board, originally authorized in LR 328 (1992). The study shall include:

(1) The cost, feasibility, and mechanics of implementing a single, unified, public employees retirement system;

(2) An examination of the "defined contribution" plans as compared to the "defined benefit" plans, and the possibility of changing such plans or incorporating such plans into a combination plan; and

(3) A review of the retirement systems' investment policies, practices, and results.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 384. Introduced by Dierks, 40; Wickersham, 49.

PURPOSE: The purpose of this resolution is to initiate an interim study of circuit-breaker legislation which targets property tax relief to homeowners and agricultural landowners whose property tax burden exceeds a percentage of household income. The study should examine circuit-breaker programs in other states and the issues raised with the introduction of Legislative Bill 1090, Ninety-third Legislature, Second Session, 1994.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 385. Introduced by Lindsay, 9; Ashford, 6.

WHEREAS, the people of Nebraska have diverse cultural backgrounds and throughout the state's history people from many different cultures have made enriching contributions to local communities and the state; and

WHEREAS, Nebraskans should appreciate and celebrate that cultural diversity; and

WHEREAS, schools should be encouraged to have activities and programs that celebrate cultural diversity and heritage.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes April 25-30 as Nebraska Heritage Week.

2. That the Legislature encourages celebration of cultural diversity and heritage during that week as well as throughout the rest of the year.

Laid over.

LEGISLATIVE RESOLUTION 386. Introduced by Schmitt, 41.

PURPOSE: To study the Nebraska motor vehicle titling program, to develop recommendations for statutory changes to facilitate prosecution for motor vehicle title fraud, and to develop legislation implementing federal regulations pursuant to the Anti-Car Theft Act of 1992.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 387. Introduced by Schmitt, 41; Schimek, 27.

PURPOSE: To study the county veterans' service officers system and the method by which salaries of employees within that system are determined.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 388. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 38; Haberman, 44; Hartnett, 45; Hudkins, 21; Robinson, 16; Will, 8.

PURPOSE: Horseracing in Nebraska has been experiencing declining attendance and declining parimutuel handle for several years. This is due in part to increased competition from other forms of gaming which have developed in Nebraska and in surrounding states in recent years. A significant number of people in Nebraska depend upon horseracing for their livelihood because of the amount of agricultural products which are required for the breeding, training, and care of horses used in horseracing. This study is intended to examine methods of improving the financial viability of horseracing in Nebraska, including but not limited to, the following:

a. Methods of improving the financial viability for Nebraska racetracks and providing better financial return to individuals who breed, train, and race horses in the State of Nebraska;

b. Examination of the effects of simulcasting and telewagering on horseracing;

c. Appropriate allocation of live racing dates to increase handle and attendance at Nebraska racetracks;

d. Methods of reaching a wider audience for horseracing, including entertainment, marketing, or promotional strategies; and

e. Any other matters necessary or appropriate for a complete examination of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 389. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 38; Haberman, 44; Hartnett, 45; Hudkins, 21; Robinson, 16; Will, 8.

PURPOSE: Gaming activities have been greatly expanded in surrounding states in recent years. These activities include casino gaming in historic mining towns in South Dakota and Colorado, tribal casinos in South Dakota, Iowa and Colorado, and riverboats in Iowa and Missouri. There have been proposals for casinos at racetracks in Iowa and Kansas. Video gaming devices are used as part of the state lottery in South Dakota and have been proposed in Iowa and Kansas. This study is intended to examine the effect of gaming activities in surrounding states on activities conducted in Nebraska. This study shall include, but not be limited to, the following:

a. The effect of gaming activities in surrounding states on charitable gaming, horseracing, and city and county lotteries in Nebraska;

b. The effect of gaming activities in surrounding states on the Nebraska state lottery;

c. The extent to which gaming activities in surrounding states have economic impact on communities in Nebraska, including the impact on retail, restaurant, hotel, and service businesses in border communities;

d. Whether these activities have provided or reduced employment opportunities available to Nebraska residents;

e. Appropriate responses by the Legislature to protect the interests of the State of Nebraska and its citizens; and

f. Any other matters necessary or appropriate to examination of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 390. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 38; Haberman, 44; Hartnett, 45; Hudkins, 21; Robinson, 16; Will, 8.

PURPOSE: This study is intended to examine the issues of governance of, funding for, and access to public library services. This study shall include, but not be limited to, the following:

a. Review of statutes concerning governance of, funding for, and access to Nebraska public library services;

b. Developing greater consistency in statutes relating to public library governance;

c. Methods of providing access to library services to persons who do not reside within a political subdivision which provides tax support for a public library;

d. The relationship between statutes governing public libraries and the needs and responsibilities of other political subdivisions;

e. Options for governance, funding, and access which permit the formation of new entities to provide library services, such as library districts and library federations; and

f. Any other matters necessary or appropriate for a complete examination of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 391. Introduced by Pedersen, 39; Withem, 14; Moore, 24; Witek, 31; Byars, 30; Dierks, 40; Jones, 43; Bohlke, 33; Hudkins, 21; Warner, 25; Schmitt, 41; Janssen, 15; Wehrbein, 2; Wesely, 26; Crosby, 29; Robinson, 16; Vrtiska, 1; Elmer, 38; Schimek, 27; Kristensen, 37; Abboud, 12; Hartnett, 45; Day, 19; Coordsen, 32; Wickersham, 49; Engel, 17; Fisher, 35; Lynch, 13; Matzke, 47; Cudaback, 36; Monen, 4; Rasmussen, 20; Preister, 5; Avery, 3; Ashford, 6.

WHEREAS, the State Capitol newsstand was operated for more than twenty years by Bill Bowlin prior to his death earlier this year; and

WHEREAS, the State Capitol newsstand has been an oasis for legislators and legislative staff, as well as executive and judicial branch personnel over the years; and

WHEREAS, the closing of the State Capitol newsstand would be a disservice to people working in and visiting the Nebraska State Capitol.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature strongly encourages the Department of Administrative Services to continue the existence of the State Capitol newsstand.

2. That a copy of this resolution be sent to Larry Primeau, Director of Administrative Services.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1224. Mrs. Crosby offered the following amendment to the third Standing Committee amendment:
AM4147

(Amendments to Standing Committee amendment, AM4049)

1. On page 23, strike beginning with "line" in line 26 through line 27 and insert "strike beginning with 'Adult' in line 2 through '(c)' in line 10; in line 17 strike '(d)' and insert '(b)'; in line 22 strike '(e)' and insert '(c)'; and in line 28 strike '(f)' and insert '(d)'.".

Messrs. Lindsay, Bernard-Stevens, Beutler, and Elmer asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Mrs. Crosby moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

MS. SCHIMEK PRESIDING

Mrs. Crosby requested a roll call vote on her amendment.

Mr. Wesely requested the roll call vote be taken in reverse order.

Voting in the affirmative, 6:

Coordsen Dierks Hartnett Preister Witek
Crosby

Voting in the negative, 21:

Abboud	Bohlke	Fisher	Jones	Pirsch
Ashford	Bromm	Haberman	Kristensen	Rasmussen
Bernard-Stevens	Byars	Hudkins	Matzke	Warner
Beutler	Cudaback	Janssen	Moore	Wesely
	Day			

Present and not voting, 13:

Avery	Lynch	Schimek	Wehrbein	Will
Chambers	Monen	Schmitt	Wickersham	Withem
Engel	Schellpeper	Vrtiska		

Excused and not voting, 9:

Elmer	Hillman	Lindsay	Pedersen	Robinson
Hall	Landis	McKenzie	Robak	

The Crosby amendment lost with 6 ayes, 21 nays, 13 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Chambers moved to reconsider the Crosby amendment, AM4147.

Messrs. Byars, Withem, Moore, Bromm, Hartnett, Mmes. Hudkins, and Witek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bernard-Stevens moved the previous question. The question is, "Shall the debate now close?"

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 9 ayes, 1 nay, and 39 not voting.

The motion to cease debate prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Chambers requested a record vote on his motion to reconsider the Crosby amendment.

Voting in the affirmative, 11:

Avery	Chambers	Dierks	Haberman	Preister
Bernard-Stevens	Coordsen	Fisher	Hall	Witek
	Crosby			

Voting in the negative, 21:

Abboud	Elmer	Kristensen	Schellpeper	Wehrbein
Ashford	Engel	Matzke	Schmitt	Wesely
Beutler	Janssen	Pirsch	Vrtiska	Wickersham
Cudaback	Jones	Rasmussen	Warner	Will
Day				

Present and not voting, 5:

Bohlke	Lynch	McKenzie	Monen	Schimek

Excused and not voting, 12:

Bromm	Hillman	Lindsay	Pedersen	Robinson
Byars	Hudkins	Moore	Robak	Withem
Hartnett	Landis			

The Chambers motion to reconsider lost with 11 ayes, 21 nays, 5 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Abboud asked unanimous consent to print the following amendment to LB 913 in the Journal. No objections. So ordered.

AM4163

(Amendments to Final Reading copy)

1. On page 1, strike beginning with "redefine" in line 2 through "of" in line 3 and insert "to change provisions relating to".

2. On page 7, line 10, strike "and" and show as stricken; in lines 15 and 16 strike the new matter and reinstate the stricken matter; and in line 18 after "institutions" insert ", and (5) in any capacity described in subdivision (h)(1) or (h)(2) of this section in an educational institution while in the employ of a religious, charitable, educational, or other organization described in section 3306(c)(8) of the Federal Unemployment Tax Act, and such individual shall be disqualified as specified in subdivisions (h)(1), (h)(2), and (h)(3) of this section".

Mrs. Witek asked unanimous consent to print the following amendment to LB 1003 in the Journal. No objections. So ordered.

AM3250

1. Strike original sections 1 to 11 and all amendments thereto and insert the following new sections:

"Section 1. That section 49-1446, Revised Statutes Supplement, 1993, be amended to read as follows:

49-1446. (1) Each committee shall have a treasurer who is a qualified elector of this state. A candidate may appoint himself or herself as the candidate committee treasurer.

(2) ~~Except for funds received as provided in the Campaign Finance Limitation Act, each~~ Each committee shall designate one account in a financial institution in this state as an official depository for the purpose of depositing all contributions which it receives in the form of or which are converted to money, checks, or other negotiable instruments and for the purpose of making all expenditures. Secondary depositories shall be used for the sole purpose of depositing contributions and promptly transferring the deposits to the committee's official depository.

(3) No contribution shall be accepted and no expenditure shall be made by a committee which has not filed a statement of organization and which does not have a treasurer. When the office of treasurer in a candidate committee is vacant, the candidate shall be the treasurer until the candidate appoints a new treasurer.

(4) No expenditure shall be made by a committee without the authorization of the treasurer or the assistant treasurer. The contributions received or expenditures made by a candidate or an agent of a candidate shall be considered received or made by the candidate committee.

(5) Contributions received by an individual acting in behalf of a committee shall be reported promptly to the committee's treasurer not later than five days before the closing date of any campaign statement required to be filed by the committee and shall be reported to the committee treasurer immediately if the contribution is received less than five days before the closing date.

(6) A contribution shall be considered received by a committee when it is received by the committee treasurer or a designated agent of the committee treasurer notwithstanding the fact that the contribution is not deposited in the official depository by the reporting deadline.

(7) Contributions received by a committee shall not be commingled with any funds of an agent of the committee or of any other person except for funds received or disbursed by a separate segregated political fund for the purpose of supporting or opposing candidates and committees in elections in states other than Nebraska and candidates for federal

office, as provided in section 49-1469, including independent expenditures made in such elections.

(8) Any person who violates section 49-1445 or this section shall be guilty of a Class IV misdemeanor.

Sec. 2. That section 49-1455, Revised Statutes Supplement, 1993, be amended to read as follows:

49-1455. The campaign statement of a committee, other than a political party committee, shall contain the following information:

(1) The filing committee's name, address, and telephone number and the full name, residential and business addresses, and telephone numbers of its committee treasurer;

(2) Under the heading RECEIPTS, the total amount of contributions received during the period covered by the campaign statement; under the heading EXPENDITURES, the total amount of expenditures made during the period covered by the campaign statement; and the cumulative amount of those totals for ~~the election period~~ that election. If a loan was repaid during the period covered by the campaign statement, the amount of the repayment shall be subtracted from the total amount of contributions received. Forgiveness of a loan shall not be included in the totals. Payment of a loan by a third party shall be recorded and reported as a contribution by the third party but shall not be included in the totals. In-kind contributions or expenditures shall be listed at fair market value and shall be reported as both contributions and expenditures;

(3) The balance of cash and cash equivalents on hand at the beginning and the end of the period covered by the campaign statement;

(4) The full name of each individual from whom contributions totaling more than one hundred dollars are received during the period covered by the report, together with the individual's street address, the amount contributed, the date on which each contribution was received, and the cumulative amount contributed by that individual for ~~the election period~~ that election;

(5) The full name of each person, except those individuals reported under subdivision (4) of this section, which contributed a total of more than one hundred dollars during the period covered by the report together with the person's street address, the amount contributed, the date on which each contribution was received, and the cumulative amount contributed by the person for ~~the election period~~ that election;

(6) The name of each committee which is listed as a contributor shall include the full name of the committee's treasurer;

(7) The full name and street address of each person

to whom expenditures totaling more than one hundred dollars were made, together with the date and amount of each separate expenditure to each such person during the period covered by the campaign statement; the purpose of the expenditure; and the full name and street address of the person providing the consideration for which any expenditure was made if different from the payee;

(8) The amount and the date of expenditures for or against a candidate or ballot question during the period covered by the campaign statement and the cumulative amount of expenditures for or against that candidate or ballot question. ~~for the election period.~~ An expenditure made in support of more than one candidate or ballot question, or both, shall be apportioned reasonably among the candidates or ballot questions, or both; and

(9) The total amount of funds disbursed by a separate segregated political fund, by state, for the purpose of supporting or opposing candidates and committees in elections in states other than Nebraska and candidates for federal office, including independent expenditures made in such elections.

~~For purposes of this section, election period shall be as defined in section 32-1603.~~

Sec. 3. That section 49-14,122, Revised Statutes Supplement, 1993, be amended to read as follows:

49-14,122. The commission shall make random field investigations and audits with respect to campaign statements and activity reports filed with the commission under ~~the Campaign Finance Limitation Act and~~ the Nebraska Political Accountability and Disclosure Act. ~~Except for audits conducted pursuant to the Campaign Finance Limitation Act, any~~ Any audit or investigation conducted of a candidate's campaign statements during a campaign shall include an audit or investigation of the statements of his or her opponent or opponents as well. The commission may also carry out field investigations or audits with respect to any campaign statement, registration, report, or other statement filed under the Nebraska Political Accountability and Disclosure Act if the commission or the executive director deems such investigations or audits necessary to carry out the purposes of the act.

Sec. 4. That section 49-14,123, Revised Statutes Supplement, 1992, be amended to read as follows:

49-14,123. In addition to any other duties prescribed by law, the commission shall:

(1) Prescribe and publish, after notice and opportunity for public comment, rules and regulations to carry out ~~the Campaign Finance Limitation Act and~~ the Nebraska Political Accountability and Disclosure Act pursuant to the

Administrative Procedure Act;

(2) Prescribe forms for statements and reports required to be filed pursuant to ~~the Campaign Finance Limitation Act and~~ the Nebraska Political Accountability and Disclosure Act and furnish such forms to persons required to file such statements and reports;

(3) Prepare and publish one or more manuals explaining the duties of all persons and other entities required to file statements and reports by the acts and setting forth recommended uniform methods of accounting and reporting for such filings;

(4) Accept and file any reasonable amount of information voluntarily supplied that exceeds the requirements of the ~~acts~~ act;

(5) Make statements and reports filed with the commission available for public inspection and copying during regular office hours and make copying facilities available at a cost of not more than fifty cents per page;

(6) Compile and maintain an index of all reports and statements filed with the commission to facilitate public access to such reports and statements;

(7) Prepare and publish summaries of statements and reports filed with the commission and special reports and technical studies to further the purposes of the ~~acts~~ act;

(8) Review all statements and reports filed with the commission in order to ascertain whether any person has failed to file a required statement or has filed a deficient statement;

(9) Preserve statements and reports filed with the commission for a period of not less than five years from the date of receipt;

(10) Issue and publish advisory opinions on the requirements of the ~~acts~~ act upon the request of a person or governmental body directly covered or affected by the ~~acts~~ act. Any such opinion rendered by the commission, until amended or revoked, shall be binding on the commission in any subsequent charges concerning the person or public body who requested the opinion and who acted in reliance on it in good faith unless material facts were omitted or misstated by the person in the request for the opinion;

(11) Act as the primary civil and criminal enforcement agency for violations of the Nebraska Political Accountability and Disclosure Act and the rules or regulations promulgated thereunder; ~~and act concurrently with the county attorney in prosecuting criminal violations of the Campaign Finance Limitation Act;~~

(12) Receive all late filing fees and submit them to those authorities designated by law to effectuate the provisions of Article VII, section 5, of the Constitution of

Nebraska; and ~~, seek the return of any amount as provided in section 32-1606, and seek the repayment of any amount as provided in section 32-1607; and~~

(13) Prepare and distribute to the appropriate local officials statements of financial interest, campaign committee organization forms, filing instructions and forms, and such other forms as the commission may deem appropriate.

Sec. 5. That section 49-14,129, Revised Statutes Supplement, 1993, be amended to read as follows:

49-14,129. The commission, by order, may suspend or modify any of the reporting requirements of ~~the Campaign Finance Limitation Act or~~ the Nebraska Political Accountability and Disclosure Act, in a particular case, for good cause shown, or if it finds that literal application of such ~~acts~~ act works a manifestly unreasonable hardship and if it also finds that such suspension or modification will not frustrate the purposes of such ~~acts~~ act. Any such suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required by this section.

Sec. 6. That original section 49-14,122, Revised Statutes Supplement, 1992, and sections 49-1446, 49-1455, 49-14,122, and 49-14,129, Revised Statutes Supplement, 1993, and also sections 32-1602, 32-1605, and 32-1609, Revised Statutes Supplement, 1992, and sections 32-1601, 32-1603, 32-1604, 32-1606 to 32-1608.03, 32-1610, 32-1611, and 77-27,119.04, Revised Statutes Supplement, 1993, are repealed.".

Mr. Beutler asked unanimous consent to print the following amendment to LB 1045 in the Journal. No objections. So ordered.

AM4065

(Amendments to Standing Committee amendments, AM3472)

1. On page 2 after line 17 insert:

"(8) On December 29, 1995, the State Treasurer shall transfer three hundred thousand dollars from the Cash Reserve Fund to the Campaign Finance Limitation Cash Fund.

(9) On December 31, 1997, the State Treasurer shall transfer seven hundred thousand dollars from the Cash Reserve Fund to the Campaign Finance Limitation Cash Fund."; and in line 18 strike "(8)" and insert "(10)".

Mr. Beutler asked unanimous consent to print the following amendment to LB 1275 in the Journal. No objections. So ordered.

AM4167

(Amendments to Final Reading copy)

1. On page 3, line 16, before the semicolon insert "but shall not include a seller or buyer closing a real estate transaction on his or her own behalf or a lender closing a real estate loan transaction".

Mrs. Bohlke asked unanimous consent to print the following amendment to LB 1310 in the Journal. No objections. So ordered.

AM4157

1. Strike original section 9 and insert the following new sections:

"Sec. 7. The governing body of any school district may authorize the issuance of a pass to any elected or appointed official, employee, retired employee, or volunteer of the district, member of a senior citizens group, or city official authorizing the admittance of the recipient of the pass and his or her spouse to recognized school activities without the need for the payment of any fee or charge. Such pass may be issued at no cost to the recipient or at such cost as may be designated by the governing body.

Sec. 8. For purposes of section 7 of this act, volunteer shall mean a person who is not an elected or appointed official or employee of a school district who, at the request or with the permission of the governing body of the school district, engages in activities related to the purposes and functions of the school district or for its general benefit.

Sec. 15. This section and sections 7, 8, and 17 of this act shall become operative on their effective date. The other sections of this act shall become operative three calendar months after the adjournment sine die of this legislative session.

Sec. 17. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 20, line 28, strike "79-1248,".

3. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 392. Introduced by Government, Military and Veterans Affairs Committee: Schimek, 27, Chairperson; Cudaback, 36; Haberman, 44; Janssen, 15; Pirsch, 10; Robinson, 16; Schmitt, 41; Witek, 31.

PURPOSE: To examine the need for provisions addressing the ethical considerations of elected and appointed officials at the political subdivision level of government. Such study shall include, but not be

limited to, an assessment of the feasibility of establishing lobbying regulations, additional financial disclosure provisions, additional conflict of interest provisions, restrictions on campaign fundraising, restrictions on employment of former elected or appointed officials, and restrictions on the amount and types of gifts received by elected and appointed officials at the local or political subdivision level.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 393. Introduced by Government, Military and Veterans Affairs Committee: Schimek, 27, Chairperson; Cudaback, 36; Haberman, 44; Janssen, 15; Pirsch, 10; Robinson, 16; Schmitt, 41; Witek, 31.

PURPOSE: To examine the need for provisions addressing the ethical considerations of elected and appointed officials within the executive branch of state government. Such study shall include, but not be limited to, an assessment of the feasibility of establishing lobbying regulations, additional financial disclosure provisions, additional conflict of interest provisions, restrictions on campaign fundraising, restrictions on employment of former elected or appointed officials, and restrictions on the amount and types of gifts received by elected and appointed officials within the executive branch of state government.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 394. Introduced by Will, 8.

PURPOSE: To study the committee structure of the Nebraska Legislature, including:

(1) The method of selecting Committee on Committee members including caucus composition;

(2) The method of selecting committee chairs;

(3) The distribution of subject matter for committees;

(4) The criteria for referring bills and resolutions to committees; and

(5) The scheduling of hearings for standing committees. .

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 395. Introduced by Will, 8.

PURPOSE: To study overlapping federal, state, and local regulations with respect to asbestos removal.

To study whether a more efficient system could be developed to guarantee safe removal of asbestos that is not overly burdensome for the entities involved in the removal while assuring adequate safeguards for employees and others in the vicinity of the project.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 396. Introduced by Janssen, 15; Haberman, 44; Witek, 31; Pirsch, 10; Schimek, 27; Cudaback, 36; Schmitt, 41; Robinson, 16.

PURPOSE: The purpose of this study is to examine the county government organizational and financial structure to assess the ability of such structure to address the differences in needs between rural and urban citizens of the counties. The study shall include, but not be limited to, an examination of representation in the counties governing systems and an examination of alternative financing mechanisms of county services to ensure equitable treatment of a county's rural and urban citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1224. Messrs. Dierks, Chambers, and Mrs. Crosby offered the following amendment to the third Standing Committee amendment:

AM4132

(Amendments to Standing Committee amendments, AM4049)

1. On page 23, line 27, before the period insert ";
and strike beginning with 'or' in line 20 through 'assistance'
in line 21".
2. On page 24, line 26, after the semicolon insert
"strike beginning with the period in line 14 through 'payment'
in line 17 and insert 'and shall ensure incremental benefit
increases thereupon' ".

Messrs. Bernard-Stevens and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dierks moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Dierks requested a roll call vote on the Dierks et al. amendment.

Voting in the affirmative, 12:

Crosby	Fisher	Hartnett	McKenzie	Will
Dierks	Haberman	Lynch	Preister	Withem
Engel	Hall			

Voting in the negative, 15:

Abboud	Ashford	Bohlke	Byars	Day

Elmer	Pirsch	Schimek	Wehrbein	Wickersham
Matzke	Rasmussen	Warner	Wesely	Witek

Present and not voting, 12:

Avery	Coordsen	Jones	Robinson	Schmitt
Beutler	Cudaback	Monen	Schellpeper	Vrtiska
Chambers	Janssen			

Excused and not voting, 10:

Bernard-Stevens	Hillman	Kristensen	Lindsay	Pedersen
Bromm	Hudkins	Landis	Moore	Robak

The Dierks et al. amendment lost with 12 ayes, 15 nays, 12 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LR 29CA in the Journal. No objections. So ordered.

AM4166

(Amendments to Final Reading copy)

1. On page 2, strike lines 8 through 10.
2. On page 3, strike beginning with "The" in line 2 through line 5.

Messes. Lindsay and Hall asked unanimous consent to print the following amendment to LB 1026 in the Journal. No objections. So ordered.

AM3764

(Amendments to Final Reading copy)

1. Strike section 4 and insert the following new sections:

"Sec. 2. That section 29-2204, Revised Statutes Supplement, 1993, be amended to read as follows:

29-2204. (1) Except as provided in subsection (4) of this section and except when a term of life is required by law, in imposing an indeterminate sentence upon an offender, the court shall:

(a) Fix the minimum and maximum limits of the sentence to be served within the limits provided by law,

~~except that when a maximum limit of life is imposed by the court for a Class IB felony, the minimum limit may be any term of years not less than the statutory mandatory minimum~~ but the minimum limit fixed by the court shall not be greater than one-third of the statutory maximum limit;

(b) Advise the offender on the record the time the offender will serve on his or her minimum term before attaining parole eligibility assuming that no good time for which the offender will be eligible is lost; and

(c) Advise the offender on the record the time the offender will serve on his or her maximum term before attaining mandatory release assuming that no good time for which the offender will be eligible is lost.

If any discrepancy exists between the statement of the minimum limit of the sentence and the statement of parole eligibility or between the statement of the maximum limit of the sentence and the statement of mandatory release, the statements of the minimum limit and the maximum limit shall control the calculation of the offender's term. If the court imposes more than one sentence upon an offender or imposes a sentence upon an offender who is at that time serving another sentence, the court shall state whether the sentences are to be concurrent or consecutive.

(2)(a) When the court is of the opinion that imprisonment may be appropriate but desires more detailed information as a basis for determining the sentence to be imposed than has been provided by the presentence report required by section 29-2261, the court shall commit an offender to the Department of Correctional Services for a period not exceeding ninety days. The department shall conduct a complete study of the offender during that time, inquiring into such matters as his or her previous delinquency or criminal experience, social background, capabilities, and mental, emotional, and physical health and the rehabilitative resources or programs which may be available to suit his or her needs. By the expiration of the period of commitment or by the expiration of such additional time as the court shall grant, not exceeding a further period of ninety days, the offender shall be returned to the court for sentencing and the court shall be provided with a written report of the results of the study, including whatever recommendations the department believes will be helpful to a proper resolution of the case. After receiving the report and the recommendations, the court shall proceed to sentence the offender in accordance with subsection (1) of this section. The term of the sentence shall run from the date of original commitment under this subsection.

(b) In order to encourage the use of this procedure in appropriate cases, all costs incurred during the period the

defendant is held in a state institution under this subsection shall be a responsibility of the state and the county shall be liable only for the cost of delivering the defendant to the institution and the cost of returning him or her to the appropriate court for sentencing or such other disposition as the court may then deem appropriate.

(3)(a) Commencing July 1, 1996, when the court is of the opinion that imprisonment may be appropriate, but that a brief and intensive period of incarceration may serve the interests of society by promoting the rehabilitation of the offender and by deterring the offender from engaging in further criminal activity, the court may commit an offender to the Department of Correctional Services for a period not exceeding one hundred eighty days for placement in a regimented inmate discipline unit followed by one year of intense parole supervision. The court may consider such commitment if the offender (i) has been found guilty of a nonviolent crime, (ii) is seventeen years of age or older but younger than twenty-five years and has no physical or mental handicap that precludes strenuous physical activity, and (iii) has never before been sentenced to a period of incarceration for a felony offense in this or any other state or federal jurisdiction.

(b) Upon successful completion of the term of commitment, the offender shall be placed under the jurisdiction of the Board of Parole for a period of one year. All provisions of Chapter 83, article 1, relating to parole, except eligibility for parole, shall apply to the offender. If the parole of the offender is revoked, the offender shall be returned to the sentencing court for resentencing on the original conviction.

(c) If the offender for any reason fails to complete the program of regimented inmate discipline, the offender shall immediately be returned to the sentencing court for resentencing on the original conviction. Credit shall be given for time actually served in the program.

(d) All costs incurred during the period the offender is held in a regimented inmate discipline unit shall be the responsibility of the state, and the county shall be liable only for the cost of returning him or her to the appropriate court for resentencing or such other disposition as the court may then deem appropriate.

(4) Whenever the defendant was under eighteen years of age at the time he or she committed the crime for which he or she was convicted, the court may in its discretion, instead of imposing the penalty provided for the crime, make such disposition of the defendant as the court deems proper under the Nebraska Juvenile Code.

Sec. 5. Except when a term of life is required by

law, in imposing an indeterminate sentence upon the offender, the court shall:

(1) Fix the minimum and maximum limits of the sentence, but the minimum limit fixed by the court shall not be less than the minimum provided by law nor more than one-third of the maximum term and the maximum limit shall not be greater than the maximum provided by law;

(2) Impose a definite term of years, in which event the maximum term of the sentence shall be the term imposed by the court and the minimum term shall be the minimum sentence provided by law; or

(3) When the court is of the opinion that imprisonment may be appropriate but desires more detailed information as a basis for determining the sentence to be imposed than has been provided by the presentence report, commit an offender to the department for a period not exceeding ninety days. For purposes of this section, offender shall mean both juveniles and adults. The department shall conduct a complete study of the offender during that time, inquiring into such matters as his or her previous delinquency or criminal experience, social background, capabilities, and mental, emotional, and physical health and the rehabilitative resources or programs which may be available to suit his or her needs. By the expiration of the period of commitment or by the expiration of such additional time as the court shall grant, not exceeding a further period of ninety days, the offender shall be returned to the court for sentencing and the court shall be provided with a written report of the results of the study, including whatever recommendations the department believes will be helpful to a proper resolution of the case. After receiving the report and the recommendations, the court shall proceed to sentence the offender in accordance with any applicable provision of law. The term shall run from the date of original commitment under this section. In order to encourage the use of this procedure in appropriate cases, all costs incurred during the period the defendant is held in a state institution under this subdivision shall be a responsibility of the state and the county shall be liable only for the cost of delivering the defendant to the institution and the cost of returning him or her to the appropriate court for sentencing or such other disposition as the court may then deem appropriate.

Sec. 6. That section 83-1,135, Revised Statutes Supplement, 1993, be amended to read as follows:

83-1,135. Sections 83-170 to 83-1,135 and section 5 of this act shall be known and may be cited as the Nebraska Treatment and Corrections Act.

Sec. 7. That original sections 29-2204, 45-601, 45-623, and 83-1,135, Revised Statutes Supplement, 1993, are

repealed.".

Messrs. Wickersham and Jones asked unanimous consent to print the following amendment to LB 1310 in the Journal. No objections. So ordered.

AM3798

1. Insert the following new sections:

"Sec. 2. It is the policy of the State of Nebraska that the lands and funds belonging to the state for educational purposes be managed to provide for a prudent balance between risk and rate of return on investment so as to maximize the income and preserve the value of these assets over the long term. The Legislature finds that reinvestment of the proceeds from the sale of educational lands into alternative real property enhances the ability of the Board of Educational Lands and Funds to provide a portfolio of real property investments that balances risk and rate of return on investment and preserves the long-term value of the assets of the school trust. The laws of the State of Nebraska should be construed to effectuate such policy.

Sec. 3. That section 72-201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-201. (1) The Board of Educational Lands and Funds shall consist of five members ~~to be~~ appointed by the Governor with the ~~consent~~ approval of a majority of the ~~members elected to the~~ Legislature. One member shall be appointed from each of the congressional districts as the districts ~~were constituted on January 1, 1961, and a fifth member~~ are now configured or as the districts may be configured in the future, and the remaining members shall be appointed from the state at large. The member representing the fourth congressional district as the districts were configured on January 1, 1961, shall represent the third congressional district. The member representing the third congressional district as the districts were configured on January 1, 1961, shall represent the state at large. One member of the board shall be competent in the field of commercial land investments, and one member of the board shall be competent in the field of agricultural land investments. ~~The initial members shall be appointed to take office on October 1, 1955, and shall hold office for the following periods of time: The member from the first congressional district for one year; the member from the second congressional district for two years; the member from the third congressional district for three years; the member from the fourth congressional district for four years; and the member from the state at large for five years. As the terms of the members expire, the~~ The Governor shall appoint or

reappoint ~~a member~~ members of the board for ~~a term~~ terms of five years, except members appointed to fill vacancies whose tenures shall be the unexpired terms for which ~~they shall~~ are be appointed. If the Legislature is not in session when such members, or some of them, are appointed by the Governor, such members shall take office and act as recess appointees until the Legislature ~~next thereafter convenes~~ is in session. The compensation of the members shall be forty dollars per day for each day's time actually engaged in the performance of the duties of their office. Each member shall also be paid his or her necessary ~~traveling~~ expenses incurred while upon business of the board as provided in sections 81-1174 to 81-1177. ~~for state employees.~~ The board shall cause all school, university, agricultural college, and state college lands~~,~~ owned by the state or the title to which may ~~hereafter~~ vest in the state~~,~~ to be registered, leased, and sold~~,~~ as ~~hereinafter~~ provided~~, and~~ in sections 72-201 to 72-269, shall have the general management and control ~~of~~ over such lands, and ~~make necessary rules not provided by law~~ shall adopt and promulgate rules and regulations to carry out the purposes of such sections. The funds arising from these lands shall be disposed of in the manner provided by the Constitution of Nebraska, sections 72-201 to ~~72-251~~ 72-269, and any other ~~laws of Nebraska not inconsistent herewith~~ law not inconsistent with such sections.

(2) No person shall be eligible ~~to~~ for membership on the board who is actively engaged in the teaching profession, who holds or has any financial interest in a school land lease, who is a holder of or a candidate for any state office or a member of any state board or commission, or who has not resided in this state for at least three years.

(3) The board shall elect one of its members as chairperson of the Board of Educational Lands and Funds. In the absence of the chairperson, any member of the board may, upon motion duly carried, act in his or her behalf as such chairperson. ~~It~~ The board shall keep a record of all proceedings and orders made by it. No order shall be made except upon the concurrence of at least three members of the board. ~~It~~ The board shall make all orders pertaining to the handling of all lands and funds set apart for educational purposes.

(4) The board shall maintain an office in the State Capitol at Lincoln and shall meet in ~~its~~ the office not less than once each month.

(5) The board may appoint a secretary for the board. The compensation of the secretary shall be payable monthly, as fixed by the board.

Sec. 4. That section 72-257, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-257. ~~All~~ The Board of Educational Lands and Funds may offer for sale a portion of all lands~~, now~~ owned as of January 1, 1994, or hereafter acquired by the state for educational purposes~~, may be sold at the expiration of the present leases~~ and may reinvest the proceeds as provided in section 6 of this act. The board shall determine the portion and location of the land to be sold considering all relevant factors and priorities set out in section 72-257.01. The ~~Board of Educational Lands and Funds~~ board shall retain all mineral rights in the land sold. Prior to such sale, the land shall be appraised for sale purposes in the same manner as privately owned land by a representative appointed by the ~~Board of Educational Lands and Funds,~~ board and thereafter shall be sold at public sale at not less than the appraised value. Any land to be sold shall be sold at the expiration of existing surface leases. When ~~; PROVIDED, that when~~ two or more contiguous tracts are under separate leases with different expiration dates, the board may, if it is deemed to be in the best interest of the state, defer the sale of any tract having an earlier lease expiration date, and may offer the tract for lease for less than twelve years to coincide with the expiring lease of the contiguous tract, in order that the contiguous lands may eventually be offered for sale on the same date.

Sec. 5. That section 72-257.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-257.01. (1) The Board of Educational Lands and Funds shall review and set priorities for the sale of lands covered by leases expiring each year, giving the highest priority to those lands which it determines, considering all relevant factors, can be sold to the best advantage.

(2) The portion of lands to be sold as determined by the board shall provide sufficient proceeds for reinvestment, under section 6 of this act, so as to provide for a prudent investment portfolio of agricultural real property and developed or undeveloped industrial, commercial, or residential real property, balancing risk and rate of return on investment.

(3) Any leaseholder or other interested party may request that the land covered by any expiring lease be offered for sale, and the board shall give consideration to such request in deciding whether to offer such land for sale.

Sec. 6. The Board of Educational Lands and Funds may reinvest the proceeds from sale of educational lands pursuant to sections 72-257 and 72-257.01 by purchasing agricultural real property and developed or undeveloped industrial, commercial, or residential real property located within the State of Nebraska. The board shall determine the real property to be purchased based on all relevant factors,

including market conditions, present and future earnings and appreciation potential, and a prudent balance between risk and rate of return on investment. The real property so purchased by the board shall be of the nature which individuals of prudence, discretion, and intelligence acquire or retain in dealing with the property of another on a fiduciary basis and shall be held, managed, and administered by the board in trust for the support and maintenance of the common schools in the same manner as all other educational lands. Such management may include the sale and reinvestment as prescribed in this section and sections 72-257 and 72-257.01.

Sec. 7. That section 72-259, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-259. The proceeds of such sales shall be ~~deposited~~ remitted by the Board of Educational Lands and Funds ~~with~~ to the State Treasurer for ~~the benefit of~~ credit to the permanent school fund ~~of the state~~ and for investment pursuant to sections 72-1237 to 72-1276 until investment by the board pursuant to section 6 of this act.

Sec. 8. That section 72-1237.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1237.01. As used in the Nebraska State Funds Investment Act, this act shall mean and refer to sections 1-111, 2-115, 2-1503.01, 2-1547, 2-1808, 2-2317, 3-126, 8-1120, 24-704, 35-601, 37-206, 37-428, 39-1323.01, 39-1390, 44-116, 44-707.03, 45-127, 45-603, 48-617, 48-620, 48-621, 54-112, 54-147, 54-150, 54-1173, 55-131, 57-919, 60-1409, 66-499, 68-301, 68-612, 70-1020, 71-1,147.02, 71-1,210, 71-222.02, 71-1336, 71-2016, 71-2201, ~~72-202,~~ 72-1005, 72-1237 to 72-1260, 79-1247.07, 79-1345, 79-1501 to 79-1503.01, 79-1545, 79-1556, 79-1557, 79-2107, 79-3812, 80-111, 80-301, 80-401, 81-528, 81-815.30, 81-845, 81-8,107, 81-912, 81-1117, 81-1120.22, 81-1278, 81-2019, 81-2022, 82-108.02, 83-150, 83-169, 83-210.01, 84-1301, 84-1305, 84-1308, 84-1309, 85-106, 85-113, 85-122, 85-123.01, 85-168, 85-170, 85-192, 85-320, 85-403, and 85-606.01.

Sec. 18. That section 79-1303, Revised Statutes Supplement, 1993, be amended to read as follows:

79-1303. (1) In making the apportionment under section 79-1302, the Commissioner of Education shall distribute from the school fund for school purposes, to any and all school districts and to the nonresident high school tuition fund of counties in which there are situated school lands ~~which have not been sold and transferred by deed~~ or saline lands which are owned by the state, an amount in lieu of tax money that would be raised if such lands were taxable, to be ascertained in accordance with subsection (2) of this section, except that:

(a) For Class I districts or portions thereof which

are affiliated and in which there are situated school or saline lands, 38.6207 percent of the in lieu of land tax money calculated pursuant to subsection (2) of this section, based on the affiliated school system tax levy computed pursuant to section 79-438.12, shall be distributed to the affiliated high school district and the remainder shall be distributed to the Class I district;

(b) For Class I districts or portions thereof which are part of a Class VI district which offers instruction in grades nine through twelve and in which there are situated school or saline lands, 38.6207 percent of the in lieu of land tax money calculated pursuant to subsection (2) of this section, based on the Class VI school system levy computed pursuant to section 79-438.13, shall be distributed to the Class VI district and the remainder shall be distributed to the Class I district; and

(c) For Class I districts or portions thereof which are part of a Class VI district which offers instruction in grades seven through twelve and in which there are situated school or saline lands, 55.1724 percent of the in lieu of land tax money calculated pursuant to subsection (2) of this section, based on the Class VI school system levy computed pursuant to section 79-438.13, shall be distributed to the Class VI district and the remainder shall be distributed to the Class I district.

(2) The county superintendents shall certify to the Commissioner of Education the tax levy for school purposes of each school district and the nonresident high school tuition levy of the county in which the school land or saline land is located and the last appraised value of such school land, which value shall be the same percentage of the appraised value as the percentage of the assessed value is of market value in section 77-1360.01 for the purpose of applying the applicable tax levy for each district and for the nonresident high school tuition fund in determining the distribution to the districts and to the nonresident high school tuition fund of the counties of such amounts. The board of any school district in which there is located any leased or undeeded school land or saline land subject to this section may appeal to the Board of Educational Lands and Funds for a reappraisement of such school land if such school board deems the land not appraised in proportion to the value of adjoining land of the same or similar value. The Board of Educational Lands and Funds shall proceed to investigate the facts involved in such appeal and, if the contention of the school board is correct, make the proper reappraisement. The value calculation in this subsection shall be used by the Commissioner of Education for making distributions in the 1992-93 school year and every year thereafter.

Sec. 22. That section 85-123, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-123. The Permanent Endowment Fund shall be kept in two accounts: In the first account, all money derived as principal from the sale of lands donated to the state by the United States to establish and endow a state university under the Act of Congress of April 19, 1864; and in the second account, all money derived as principal from the sale of lands donated to the state by the United States, to provide colleges for the benefit of agriculture and the mechanic arts, by an Act of Congress approved July 2, 1862. All such money derived from federal grants shall be invested in the manner provided by law for the investment of the permanent school fund. ~~of the state, in the same kind of securities, and by the same officers charged with that duty, in accordance with the provisions of section 72-202 as may from time to time be amended by the Legislature.~~ All money acquired by the Board of Regents of the University of Nebraska by donation or bequest to it, including money derived as principal from the sale of lands or other property so acquired or so derived, shall belong to the University Trust Fund and be administered in accordance with the provisions of section 85-123.01. The Permanent Endowment Fund shall never be appropriated by the Legislature nor be expended for any purpose whatsoever.

Sec. 23. That section 85-317, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-317. All the lands remaining unsold of the twenty sections appropriated as an endowment fund for the state colleges and all the endowment fund derived from the sale of such lands are hereby confirmed as such endowment, to be forever used for this purpose. All such money derived from federal grants shall be invested in the manner provided by law for the investment of the permanent school fund. ~~of the state, in the same kind of securities and by the same officers charged with that duty pursuant to section 72-202 as may from time to time be amended by the Legislature.~~

Sec. 24. Sections 3 and 25 of this act shall become operative on October 1, 1994. The other sections of this act shall become operative on their effective date.

Sec. 25. That original section 72-201, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 20, line 27, after "sections" insert "72-257, 72-257.01, 72-259, 72-1237.01,"; and in line 28 strike "and 79-2208" and insert "79-2208, 85-123, and 85-317".

3. On page 21, line 2, strike "and 79-4,207" and insert "79-4,207, and 79-1303"; and in line 3 after the last comma insert "and also section 72-202, Reissue Revised Statutes of Nebraska, 1943, ".

4. Renumber the remaining sections accordingly.

Mr. Lindsay asked unanimous consent to print the following amendment to LB 665 in the Journal. No objections. So ordered.

AM3955

(Amendments to Final Reading copy)

1. Strike sections 7 to 10.

2. On page 1, strike beginning with the last "to" in line 1 through the semicolon in line 2; and strike beginning with the last "to" in line 6 through the semicolon in line 9.

3. On page 4, strike beginning with "The" in line 10 through line 13.

4. Strike the underscoring in the remaining sections.

5. Renumber the remaining section accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 397. Introduced by Ashford, 6.

PURPOSE: The purpose of this resolution is to examine the possibility of a statutory requirement that students between the seventh and twelfth grades receive instruction in Nebraska history.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 398. Introduced by Bohlke, 33; Wickersham, 49.

PURPOSE: To study various aspects and proposed modifications of the Tax Equity and Educational Opportunities Support Act, including, but not be limited to:

1. Utilizing student-need weighting factors rather than district spending history to establish per-student support levels;

2. Incentives, and the removal of disincentives, to encourage voluntary, effective, and efficient reorganization of school districts;

3. Provisions for state financial support of the transportation of students to and from school;

4. Consideration of the resources generated from the income tax rebate within the legislative goal to provide equitable fiscal resources for students and to broaden the financial support base for the entire school funding system;

5. The progress of the Department of Revenue and State Department of Education in the implementation of the valuation adjustment provision; and

6. The funding of enrollment option students, including methods to avoid dramatic changes in state aid which may occur when an option district begins to receive equalization aid.

The study shall include a joint meeting of the School Finance Review Committee and the Education Committee of the Legislature to discuss recommendations on school finance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 399. Introduced by Bohlke, 33.

PURPOSE: To study the appropriate roles of the state and school districts in establishing outcome standards for student achievement and to review the progress and recommendations of the Nebraska Schools Accountability Commission in establishing recommended outcome standards and methods to assess the progress of school districts in helping students to achieve such standards.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 400. Introduced by Bohlke, 33.

PURPOSE: To study the impact of the enrollment option program under sections 79-3401 to 79-3417. The study should consider the impact of the program on:

1. Student enrollment patterns;
2. State aid to schools;
3. The broadening of educational opportunities to students;
4. Providing greater convenience to students and parents;
5. The administrative responsibilities of school districts;
6. The information made available to parents and students regarding school district programs and services;
7. The market forces applicable to public school districts; and
8. School reforms or improvements occurring as a result of the enrollment option program.

The study shall also consider the concept of "charter schools" in providing educational services to students through alternative structures.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 401. Introduced by Bohlke, 33.

PURPOSE: To study the need for a requirement that teacher preparation programs include coursework in Nebraska history with special emphasis on the history and culture of Native Americans and the Indian tribes of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Education Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 402. Introduced by Bohlke, 33.

PURPOSE: To study school district contracting for educational services under existing statutes, including, but not limited to, the

Interlocal Cooperation Act and sections 79-420, 79-445, 79-486, 79-4,140.16, 79-516.08, and 79-603. The study shall include considerations of:

1. Contracting rates for educational services;
2. Contracting terms for educational services;
3. Contracting limitations for educational services; and
4. The purposes and functions of contracts for educational services.

The study shall also consider a means to assure that such contracting statutes are consistent and complimentary.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Education Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 403. Introduced by Bohlke, 33.

PURPOSE: To study funding strategies to support early childhood education programs operated through the public schools.

The study shall include a review of the ongoing evaluation by the State Department of Education of the four state supported early childhood education pilot projects. The study shall also consider methods to merge funding streams from federal, state, and local sources as well as from private funding sources.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 404. Introduced by Bohlke, 33.

PURPOSE: To study the practices of Nebraska school districts in the admission of nonresident students under section 79-445 and Article VII, section 1, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 405. Introduced by Bohlke, 33.

PURPOSE: To study requirements for the provision of transportation or a transportation allowance to students who live more than four miles from the schoolhouse. The study shall include an examination of the costs of providing transportation, the total number of miles traveled by school district buses for all purposes, and the appropriate level of state support for school district transportation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

EASE

The Legislature was at ease from 6:14 p.m. until 6:45 p.m.

GENERAL FILE

LEGISLATIVE BILL 1224. Mr. Chambers moved to reconsider the Dierks et al. amendment, AM4132.

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

MS. SCHIMEK PRESIDING

PRESIDENT ROBAK PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 15:

Bernard-Stevens	Cudaback	Fisher	Lynch	Vrtiska
Chambers	Dierks	Hall	McKenzie	Witek
Crosby	Engel	Hartnett	Preister	Withem

Voting in the negative, 22:

Abboud	Coordsen	Janssen	Rasmussen	Schmitt
Ashford	Day	Jones	Robinson	Wehrbein
Beutler	Elmer	Matzke	Schellpeper	Wesely
Bohlke	Haberman	Pirsch	Schimek	Wickersham
Byars	Hudkins			

Present and not voting, 2:

Avery	Monen

Absent and not voting, 1:

Warner

Excused and not voting, 9:

Bromm	Kristensen	Lindsay	Pedersen	Will
Hillman	Landis	Moore	Robak	

The Chambers motion to reconsider lost with 15 ayes, 22 nays, 2 present and not voting, 1 absent and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Beutler and Wesely offered the following amendment to the third Standing Committee amendment:
FA512
Amend AM4049 as follows:
after "when" in line 2 p 25 add the following
"the parent or parents have failed to take reasonable action to encourage"

strike the word "fail" in line 3 and insert the words "age sixteen and under"

Messrs. Withem and Bernard-Stevens asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Beutler requested a roll call vote on the Beutler-Wesely amendment.

Mr. Wesely requested the roll call vote be taken in reverse order.

Voting in the affirmative, 34:

Abboud	Cudaback	Hudkins	Monen	Schmitt
Ashford	Day	Janssen	Moore	Vrtiska
Avery	Dierks	Jones	Pirsch	Wehrbein
Beutler	Engel	Kristensen	Preister	Wesely
Bohlke	Fisher	Lynch	Rasmussen	Wickersham
Byars	Hall	Matzke	Robinson	Witek
Coordsen	Hillman	McKenzie	Schellpeper	

Voting in the negative, 3:

Chambers	Crosby	Schimek

Present and not voting, 3:

Elmer	Haberman	Hartnett

Excused and not voting, 9:

Bernard-Stevens	Bromm	Lindsay	Robak	Will
	Landis	Pedersen	Warner	Withem

The Beutler-Wesely amendment was adopted with 34 ayes, 3 nays, 3 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment to the third Standing Committee amendment:
FA513
Amend AM4049
P. 23, line 19 beginning with "in", strike all language through "abortion" in line 23 and all amendments thereto.

Mr. Robinson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mrs. Crosby requested a roll call vote, in reverse order, on the Chambers amendment.

Voting in the affirmative, 20:

Abboud	Chambers	Hall	Matzke	Schimek
Ashford	Day	Hillman	Monen	Warner
Bernard-Stevens	Fisher	Hudkins	Moore	Wesely
Bohlke	Haberman	Kristensen	Rasmussen	Wickersham

Voting in the negative, 15:

Beutler	Dierks	Jones	Preister	Vrtiska
Byars	Engel	Lynch	Robak	Wehrbein
Coordsen	Hartnett	Pirsch	Schmitt	Witek

Present and not voting, 8:

Avery	Cudaback	Janssen	Schellpeper	Withem
Crosby	Elmer	McKenzie		

Excused and not voting, 6:

Bromm	Lindsay	Pedersen	Robinson	Will
Landis				

The Chambers amendment lost with 20 ayes, 15 nays, 8 present and not voting, and 6 excused and not voting.

Mr. Wesely and Mrs. Rasmussen moved to invoke cloture on LB 1224.

The third Standing Committee amendment, as amended, was adopted with 34 ayes, 2 nays, 8 present and not voting, and 5 excused and not voting.

Mr. Chambers requested a record vote on the motion to invoke cloture.

Voting in the affirmative, 36:

Abboud	Beutler	Coordsen	Dierks	Fisher
Ashford	Bohlke	Cudaback	Elmer	Hillman
Avery	Byars	Day	Engel	Hudkins

Janssen	Monen	Rasmussen	Schmitt	Wesely
Jones	Moore	Robak	Vrtiska	Wickersham
Kristensen	Pirsch	Robinson	Warner	Witek
Matzke	Preister	Schellpeper	Wehrbein	Withem
McKenzie				

Voting in the negative, 7:

Bernard-Stevens	Chambers	Haberman	Hartnett	Schimek
	Crosby	Hall		

Present and not voting, 1:

Lynch

Excused and not voting, 5:

Bromm	Landis	Lindsay	Pedersen	Will

The Wesely-Rasmussen motion for cloture prevailed with 36 ayes, 7 nays, 1 present and not voting, and 5 excused and not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 38:

Abboud	Coordsen	Hudkins	Moore	Vrtiska
Ashford	Cudaback	Janssen	Pirsch	Warner
Avery	Day	Jones	Preister	Wehrbein
Bernard-Stevens	Dierks	Kristensen	Rasmussen	Wesely
	Elmer	Lynch	Robak	Wickersham
Beutler	Engel	Matzke	Robinson	Witek
Bohlke	Fisher	McKenzie	Schellpeper	Withem
Byars	Hillman	Monen	Schmitt	

Voting in the negative, 5:

Chambers	Crosby	Hall	Hartnett	Schimek

Present and not voting, 1:

Haberman

Excused and not voting, 5:

Bromm	Landis	Lindsay	Pedersen	Will

Advanced to E & R for review with 38 ayes, 5 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1224A. Title read. Considered.

Mr. Wesely offered the following amendment:
AM4162

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated (1) $99,390 from the Department of Health Cash Fund for FY1994-95 and (2) $18,559 from the Department of Health Cash Fund for FY1995-96 to the Department of Health, for Program 177, to aid in carrying out the provisions of Legislative Bill 1224, Ninety-third Legislature, Second Session, 1994.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $7,562 for FY1994-95 or $7,826 for FY1995-96.

Sec. 2. There is hereby appropriated (1) $155,508 from the General Fund and $233,604 from federal funds for FY1994-95 and (2) $1,128,905 from the General Fund and $1,225,698 from federal funds for FY1995-96 to the Department of Social Services, for Program 341, to aid in carrying out the provisions of Legislative Bill 1224, Ninety-third Legislature, Second Session, 1994.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $74,693 for FY1994-95 or $1,057,770 for FY1995-96.

Sec. 3. There is hereby appropriated $181,600 from the General Fund and $273,400 from federal funds for FY1995-96 to the Department of Social Services, for Program 347, to aid in carrying out the provisions of Legislative Bill 1224, Ninety-third Legislature, Second Session, 1994.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 4. The appropriation to the Department of Social Services, for Program 348, shall be reduced by $325,528 General Funds and $508,422 federal funds in FY1995-96.".

The Wesely amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem and Mrs. Bohlke asked unanimous consent to print the following amendment to LB 991 in the Journal. No objections. So ordered.

AM4206

1. In the Bohlke amendment, AM3823, on page 1, line 2, strike "417,944,812" and insert "412,944,812"; in line 3 strike "419,188,884" and insert "414,188,884"; in line 4 strike "$413,610,202" and insert "$408,610,202"; in line 6 strike "$14,895,000" and insert "$9,895,000".

2. In the Standing Committee amendments, AM3400, on page 23, line 8, strike "49,247,983" and insert "48,247,983"; in line 10 strike "62,750,045" and insert "61,750,045"; in line 11 strike "$12,576,374" and insert "$11,576,374"; and in line 14 strike "$2,000,000" and insert "$1,000,000".

Messrs. Hall, Lindsay, and Beutler asked unanimous consent to print the following amendment to LB 1026 in the Journal. No objections. So ordered.

AM4208

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new section:

"Section 1. Whenever a court imposes a sentence where the minimum limit is greater than one-third of the statutory maximum limit, the costs of incarcerating the offender for the time exceeding one-third the statutory maximum limit shall be the responsibility of the county of the jurisdiction of the court imposing such sentence.".

2. On page 1, strike beginning with "courts" in line 1 through line 6 and insert "counties; to provide for responsibility for incarceration costs as prescribed.".

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 1207 in the Journal. No objections. So ordered.

AM4192

(Amendments to E & R amendments to AM5680)

1. On page 9, after line 5 insert the following new subsections:

"(6) On and after September 1, 1998, landfill disposal of aluminum beverage containers shall be prohibited.

(7) On and after September 1, 1998, landfill disposal of newspapers shall be prohibited."; and in line 6 strike "(6)", show as stricken, and insert "(8)".

VISITORS

Visitors to the Chamber were 40 fifth and sixth grade students and sponsors from O'Neill Public School.

The Doctor of the Day was Richard Hanisch from St. Paul.

ADJOURNMENT

At 8:26 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Wednesday, March 30, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTIETH DAY - MARCH 30, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 30, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mr. Landis who was excused; and Messrs. Abboud, Ashford, Avery, Chambers, Coordsen, Cudaback, Matzke, Will, Mmes. McKenzie, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-ninth day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 369. Read. Considered.

LEGISLATIVE RESOLUTION 374. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 369 and 374 were adopted with 20 ayes, 0 nays, and 29 not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 683.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-931, 85-968, 85-970, and 85-1002, Reissue Revised Statutes of Nebraska, 1943, sections 85-180.14, 85-401, 85-402, 85-403, 85-404, 85-408, 85-937, 85-963, 85-969, 85-974, 85-975, 85-976, 85-979, 85-1005, 85-1008, 85-1402, 85-1405, 85-1409, 85-1414, 85-1415, 85-1419, and 85-1420, Revised Statutes Supplement, 1992, and sections 85-966, 85-1412, 85-1413, and 85-1416, Revised Statutes Supplement, 1993; to change provisions relating to the review and approval of certain projects and programs by and to provide additional powers and duties for the Coordinating Commission for Postsecondary Education; to add general architecture as a graduate degree program; to change provisions relating to transfer programs; to require a request of an appropriation as prescribed; to change and eliminate provisions relating to the Nebraska Safety Center Advisory Council; to redefine terms; to change provisions relating to the comprehensive statewide plan and budget and state aid requests; to provide limitations on changes of role and mission as prescribed; to change, transfer, and eliminate provisions relating to an information system; to eliminate obsolete provisions; to harmonize provisions; to provide duties for the Revisor of Statutes; and to repeal the original sections, and also sections 85-1009 to 85-1013, Reissue Revised Statutes of Nebraska, 1943, and sections 85-971, 85-973, 85-977, 85-978, and 85-1417, Revised Statutes Supplement, 1992.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Cudaback	Hillman	Pedersen	Schmitt
Ashford	Day	Hudkins	Pirsch	Vrtiska
Avery	Dierks	Janssen	Preister	Warner
Beutler	Elmer	Jones	Rasmussen	Wehrbein
Bohlke	Engel	Kristensen	Robak	Wesely
Bromm	Fisher	Lindsay	Robinson	Wickersham
Byars	Haberman	Lynch	Schellpeper	Witek
Coordsen	Hall	Matzke	Schimek	Withem
Crosby	Hartnett	Monen		

Voting in the negative, 0.

Present and not voting, 2:

Bernard-Stevens	Moore

Excused and not voting, 4:

Chambers	Landis	McKenzie	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 665 to Select File

Mr. Lindsay moved to return LB 665 to Select File for his specific amendment, AM3955, found in the Journal on page 1567.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

The Lindsay motion to return prevailed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 665. The Lindsay specific amendment, AM3955, found in the Journal on page 1567, was adopted with 34 ayes, 1 nay, 10 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendment to LB 665

Mr. Beutler withdrew his amendment, AM3968, found in the Journal on page 1402, to LB 665.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1129.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1992; to create the offense of hazing; to define terms; to provide penalties; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud	Beutler	Byars	Crosby	Day
Avery	Bromm	Coordsen	Cudaback	Dierks

Elmer	Janssen	McKenzie	Robak	Warner
Haberman	Jones	Monen	Robinson	Wehrbein
Hall	Kristensen	Pedersen	Schellpeper	Wesely
Hartnett	Lindsay	Pirsch	Schimek	Wickersham
Hillman	Lynch	Preister	Schmitt	Witek
Hudkins	Matzke	Rasmussen	Vrtiska	Withem

Voting in the negative, 0.

Present and not voting, 5:

Ashford	Bernard-Stevens	Engel	Fisher	Moore

Excused and not voting, 4:

Bohlke	Chambers	Landis	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 908.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-707, Revised Statutes Supplement, 1993; to change penalties relating to child abuse; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Dierks	Janssen	Pedersen	Schmitt
Avery	Elmer	Jones	Pirsch	Vrtiska
Beutler	Fisher	Kristensen	Preister	Warner
Bromm	Haberman	Lindsay	Rasmussen	Wehrbein
Byars	Hall	Lynch	Robak	Wesely
Coordsen	Hartnett	Matzke	Robinson	Wickersham
Crosby	Hillman	McKenzie	Schellpeper	Witek
Cudaback	Hudkins	Monen	Schimek	Withem
Day				

Voting in the negative, 0.

Present and not voting, 4:

Ashford	Bernard-Stevens	Engel	Moore

Excused and not voting, 4:

Bohlke Chambers Landis Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 941.

A BILL FOR AN ACT relating to energy; to amend sections 66-1004 and 66-1008, Reissue Revised Statutes of Nebraska, 1943, and section 66-1009, Revised Statutes Supplement, 1993; to change provisions relating to utility loans; to redefine a term; to change a loan limit; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud	Day	Hudkins	Moore	Schimek
Ashford	Dierks	Janssen	Pedersen	Schmitt
Avery	Elmer	Jones	Pirsch	Vrtiska
Beutler	Engel	Kristensen	Preister	Wehrbein
Bromm	Fisher	Lindsay	Rasmussen	Wesely
Byars	Haberman	Lynch	Robak	Wickersham
Coordsen	Hall	Matzke	Robinson	Witek
Crosby	Hartnett	McKenzie	Schellpeper	Withem
Cudaback	Hillman	Monen		

Voting in the negative, 0.

Present and not voting, 2:

Bernard-Stevens Warner

Excused and not voting, 4:

Bohlke Chambers Landis Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1002. With Emergency.

A BILL FOR AN ACT relating to water service; to adopt the Water Service Regulation Act; to provide operative dates; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Dierks	Janssen	Pedersen	Schmitt
Ashford	Elmer	Jones	Pirsch	Vrtiska
Avery	Engel	Kristensen	Preister	Warner
Beutler	Fisher	Lindsay	Rasmussen	Wehrbein
Bromm	Haberman	Lynch	Robak	Wesely
Coordsen	Hall	Matzke	Robinson	Wickersham
Crosby	Hartnett	McKenzie	Schellpeper	Witek
Cudaback	Hillman	Monen	Schimek	Withem
Day	Hudkins	Moore		

Voting in the negative, 0.

Present and not voting, 2:

Bernard-Stevens	Byars

Excused and not voting, 4:

Bohlke	Chambers	Landis	Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1127. With Emergency.

A BILL FOR AN ACT relating to municipalities; to amend sections 18-1753, 18-1754, 18-2603, 39-2513, 39-2517, and 77-27,137.01, Revised Statutes Supplement, 1993; to provide a procedure for determining population; to change provisions relating to population; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Day	Janssen	Pedersen	Schmitt
Ashford	Dierks	Jones	Pirsch	Vrtiska
Avery	Elmer	Kristensen	Preister	Warner
Beutler	Fisher	Lindsay	Rasmussen	Wehrbein
Bromm	Haberman	Lynch	Robak	Wesely
Byars	Hall	Matzke	Robinson	Wickersham
Coordsen	Hartnett	McKenzie	Schellpeper	Witek
Crosby	Hillman	Monen	Schimek	Withem
Cudaback	Hudkins	Moore		

Voting in the negative, 0.

Present and not voting, 2:

Bernard-Stevens	Engel

Excused and not voting, 4:

Bohlke	Chambers	Landis	Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

ANNOUNCEMENT

The Chair announced today is Mr. Wesely's birthday.

MOTION - Return LB 1026 to Select File

Mr. Lindsay moved to return LB 1026 to Select File for the Lindsay-Hall specific amendment, AM3764, found in the Journal on page 1557.

Mrs. McKenzie, Messrs. Fisher, and Bernard-Stevens asked unanimous consent to be excused until they return. No objections. So ordered.

Ms. Schimek moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 8 nays, and 22 not voting.

SPEAKER WITHEM PRESIDING

Mr. Lindsay moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mrs. Witek requested a roll call vote on the Lindsay motion to return LB 1026 to Select File.

Voting in the affirmative, 22:

Beutler	Haberman	Matzke	Rasmussen	Wesely
Bohlke	Hall	McKenzie	Robinson	Wickersham
Byars	Hartnett	Monen	Schellpeper	Will
Chambers	Lindsay	Preister	Schimek	Withem
Elmer	Lynch			

Voting in the negative, 23:

Abboud	Crosby	Fisher	Kristensen	Vrtiska
Ashford	Cudaback	Hillman	Moore	Warner
Avery	Day	Hudkins	Pirsch	Wehrbein
Bromm	Dierks	Janssen	Robak	Witek
Coordsen	Engel	Jones		

Present and not voting, 2:

Pedersen Schmitt

Excused and not voting, 2:

Bernard-Stevens Landis

The Lindsay motion to return lost with 22 ayes, 23 nays, 2 present and not voting, and 2 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 511.

A BILL FOR AN ACT relating to manufactured homes; to amend sections 14-402, 15-902, 19-902, 23-114, 23-174.01, and 71-6407, Reissue Revised Statutes of Nebraska, 1943, and section 71-1557, Revised Statutes Supplement, 1993; to prohibit certain zoning ordinances, resolutions, or regulations limiting the location of manufactured homes; to redefine a term; to prohibit state or political subdivision regulations inconsistent with federal law; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 25:

Beutler	Elmer	Kristensen	Pedersen	Warner
Bohlke	Haberman	Matzke	Rasmussen	Wesely
Coordsen	Hall	McKenzie	Robak	Wickersham
Crosby	Hartnett	Monen	Schellpeper	Will
Cudaback	Hillman	Moore	Schimek	Withem

Voting in the negative, 19:

Abboud	Byars	Fisher	Lynch	Vrtiska
Ashford	Day	Hudkins	Pirsch	Wehrbein
Avery	Dierks	Janssen	Robinson	Witek
Bromm	Engel	Jones	Schmitt	

Present and not voting, 3:

Chambers	Lindsay	Preister

Excused and not voting, 2:

Bernard-Stevens	Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 683, 1129, 908, 941, 1002, 1127, and 511.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 1351. Placed on Select File as amended.
E & R amendment to LB 1351:
AM5731

1. In the Standing Committee amendment, AM3473:
a. On page 10, line 11, after "or" insert "a";
b. On page 25, line 18, strike the underscored comma and insert "and";
c. On page 27, line 24, strike "effective" and insert "operative"; and in line 25 strike "act" and insert

"section"; and

d. On page 33, line 16, strike "offender" and insert "parolee".

2. On page 1, line 2, strike "28-201,"; in line 3 strike "43-247,"; in line 5 strike "25-1912, 28-101,"; in line 8 strike "83-470, 83-472, 83-473.01" and insert "83-1,135"; strike line 11 and insert "a felony penalty; to change and"; and in line 12 after the semicolon insert "to define and redefine terms;".

3. On page 2, strike lines 4 through 12 and insert "change provisions relating to records of adjudications; to provide for special investigators in the Nebraska State Patrol as prescribed; to provide for structured programming as prescribed; to provide duties; to harmonize provisions; to provide operative dates; to provide severability; and to repeal the original sections.".

(Signed) Janis M. McKenzie, Chairperson

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 1219. Placed on General File as amended.
Standing Committee amendment to LB 1219:
AM3947

1. Strike the original sections and insert the following new sections:

"Section 1. (1) The Department of Environmental Quality shall rebate to the municipality or county of origin ten cents of the disposal fee required by section 13-2042 for each six cubic yards of uncompacted solid waste, for each three cubic yards of compacted solid waste, or for each ton of solid waste disposed of at landfills regulated by the department and originating in a municipality or county with a purchasing policy approved by the department. The fee shall be rebated quarterly on or before the thirtieth day after receipt of a quarterly report from the municipality or county of origin.

(2) Any municipality or county may apply to the department for the rebate authorized in subsection (1) of this section if the municipality or county has a written purchasing policy in effect requiring a preference for purchasing products, materials, or supplies which are manufactured or produced from recycled material. The policy shall provide that the preference shall not operate when it would result in the purchase of products, materials, or supplies which are of inadequate quality as determined by the municipality or county. Upon receipt of an application, the Department of Environmental Quality shall submit the application to the

materiel division of the Department of Administrative Services for review. The materiel division shall review the application for compliance with this section and any rules and regulations adopted pursuant to this section and to determine the probable effectiveness in assuring that a preference is given to products, materials, or supplies which are manufactured or produced from recycled material. The materiel division shall provide a report of its findings to the Department of Environmental Quality within thirty days after receiving the review request. The Department of Environmental Quality shall approve the application or suggest modifications to the application within sixty days after receiving the application based on the materiel division's report, any analysis by the Department of Environmental Quality, and any factors affecting compliance with this section or the rules and regulations adopted pursuant to this section.

(3) A municipality or county shall file a report complying with the rules and regulations adopted pursuant to this section with the Department of Environmental Quality before April 1 of each year documenting purchasing practices for the past calendar year in order to continue receiving the rebate. The report shall include, but not be limited to, quantities of products, materials, or supplies purchased which were manufactured or produced from recycled material. The department shall provide copies of each report to the materiel division in a timely manner. If the department determines that a municipality or county is not following the purchasing policy presented in the approved application or that the purchasing policy presented in the approved application is not effective in assuring that a preference is given to products, materials, or supplies which are manufactured or produced from recycled material, the department shall suspend the rebate until it determines that the municipality or county is giving a preference to products, materials, or supplies which are manufactured or produced from recycled material pursuant to a written purchasing policy approved by the department subsequent to the suspension. The materiel division may make recommendations to the department regarding suspensions and reinstatements of rebates.

(4) Any suspension of the rebate or denial of an application made under this section may be appealed. The appeal shall be in accordance with the Administrative Procedure Act.

(5) The council shall adopt and promulgate rules and regulations establishing criteria for application procedures, for accepting and denying applications, for annual and quarterly reporting requirements, and for suspending and reinstating the rebate. The materiel division shall recommend to the council criteria for accepting and denying applications

and for suspending and reinstating the rebate. The materiel division may make other recommendations to the council regarding rules and regulations authorized under this section. The Department of Administrative Services may adopt and promulgate rules and regulations establishing procedures for reviewing applications and for annual and quarterly reports.

Sec. 2. That section 13-2001, Revised Statutes Supplement, 1992, be amended to read as follows:

13-2001. Sections 13-2001 to 13-2043 and section 1 of this act shall be known and may be cited as the Integrated Solid Waste Management Act.

Sec. 3. That section 13-2042, Revised Statutes Supplement, 1992, be amended to read as follows:

13-2042. (1) A disposal fee of one dollar and twenty-five cents is imposed for each six cubic yards of uncompacted solid waste, one dollar and twenty-five cents for each three cubic yards of compacted solid waste, or one dollar and twenty-five cents per ton of solid waste disposed of at landfills regulated by the department. Each operator of a landfill disposal facility shall make the fee payment quarterly. The fee shall be paid quarterly to the department on or before the ~~twentieth day of the month immediately~~ forty-fifth day following the end of each quarter. For purposes of this section, landfill shall have the same definition as municipal solid waste landfill unit in 40 C.F.R. part 258, subpart A, section 258.2.

(2) The department shall exempt a landfill operator from the disposal fee imposed by this section for solid waste that is disposed pursuant to a contract shown to have been in effect on or before December 15, 1991, if such contract requires the landfill operator to dispose of solid waste without a mechanism for a price increase for a period of not less than one year. Such exemption shall terminate at the earlier of the following dates: (a) The date such contract allows for a price increase; (b) the expiration of such contract; or (c) July 1, 1994.

(3) Each fee payment shall be accompanied by a form prepared and furnished by the department and completed by the permitholder. The form shall state the total volume of solid waste disposed of at that facility during the payment period and shall provide any other information deemed necessary by the department. The form shall be signed by the permitholder.

(4) If a permitholder fails to make a timely payment of the fee, he or she shall pay interest on the unpaid amount at a rate of five percent per month.

(5) This section shall not apply to a site used solely for the reclamation of land through the introduction of landscaping rubble or inert material.

(6) Fifty percent of the total of such fees

collected in each quarter shall be remitted to the State Treasurer for credit to the Integrated Solid Waste Management Cash Fund and shall be used by the department to cover the direct and indirect costs of regulating and monitoring facilities during and after operation of facilities or performance of regulated activities under the Integrated Solid Waste Management Act. The remaining fifty percent of the total of such fees collected per quarter shall be remitted to the State Treasurer for credit to the Waste Reduction and Recycling Incentive Fund. For purposes of determining the total fees collected, any amount of fees rebated pursuant to section 1 of this act shall be included as if the fees had not been rebated, and the amount of the fees rebated pursuant to such section shall be deducted from the amount to be credited to the Waste Reduction and Recycling Incentive Fund.

(7) The council shall adopt and promulgate rules and regulations for the distribution of grants from the proceeds of the fees imposed by this section to counties, municipalities, and agencies for the purposes of planning and implementing facilities and systems to further the goals of the Integrated Solid Waste Management Act. The fees collected pursuant to this section shall not be used as grant proceeds to fund landfill closure site assessments, closure, monitoring, or remediation costs for existing landfills or landfills already closed prior to July 15, 1992. The rules and regulations shall base the awarding of grants on a project's reflection of the integrated solid waste management policy and hierarchy established in section 13-2018, the proposed amount of local matching funds, and community need.

Sec. 4. This act shall become operative on January 1, 1995.

Sec. 5. That original sections 13-2001 and 13-2042, Revised Statutes Supplement, 1992, are repealed.".

(Signed) Chris Beutler, Chairperson

MESSAGE FROM THE GOVERNOR

March 30, 1994

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 663 was received in my office on March 28, 1994.

This bill was signed by me on March 30, 1994, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

UNANIMOUS CONSENT - Print in Journal

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 76 in the Journal. No objections. So ordered.

AM4200

(Amendments to AM4083)

1. On page 1, line 2, strike "twenty-five" and insert "fifty".

RESOLUTIONS

LEGISLATIVE RESOLUTION 406. Introduced by Wickersham, 49.

PURPOSE: The purpose of this resolution is to cause an evaluation of the impacts of centralization of state government offices on different geographic regions in the state and to develop recommendations for alternatives to centralization. The study shall include, but not be limited to:

a. A review of centralization patterns and impacts within the state;

b. A review of historic and present decisionmaking processes that have shaped the centralization of state government operations;

c. An examination of how telecommunications technology and virtual networks can be utilized within state government to decrease centralization;

d. An examination of how to provide access to services; and

e. An evaluation of centralization of federal government operations which impact Nebraska and an assessment of the impacts of federal government centralization within the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature, the director of the Legislative Research Division, and the Legislative Fiscal Analyst shall be designated to collaborate with the Rural Development Commission to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 407. Introduced by Kristensen, 37.

PURPOSE: The purpose of this resolution is to study the state correctional system to improve the methods of forecasting inmate population and estimating the fiscal impact of legislation which affects the correctional system. This study shall include examining the methodology used to determine the necessity of, and the appropriate timeframe for, planning and constructing prison facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 408. Introduced by Kristensen, 37.

PURPOSE: The purpose of this resolution is to examine the process for making teachers state employees in order to stabilize funding for education and to provide property tax relief on the local level. This study shall examine other states where teachers are state employees and shall recommend statutory changes and sources of replacement funding.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue and Education Committees of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 409. Introduced by Kristensen, 37.

PURPOSE: The purpose of this resolution is to study property taxation in Nebraska. The study shall include, but not be limited to: (1) Statewide equalization of taxable property; (2) intercounty and intracounty valuation; (3) the process and procedure of valuation and equalization as it relates to the Constitution of Nebraska; (4) the valuation and equalization appeals process; (5) the costs of valuation and equalization appeals; and (6) the relationship of accurate valuation

and stringent equalization to state aid formulas for education and other aid programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 410. Introduced by Kristensen, 37.

PURPOSE: The purpose of this resolution is to study placing a limit on liability of the state under the State Tort Claims Act. This study shall include an examination of governmental tort liability in Nebraska as well as other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 411. Introduced by Kristensen, 37.

PURPOSE: The purpose of this resolution is to study the Revised Model Nonprofit Corporation Act as drafted by the Business Law Section of the American Bar Association to determine whether revisions should be made to the current Nebraska nonprofit corporation statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 412. Introduced by Lynch, 13; Lindsay, 9.

PURPOSE: The purpose of this resolution is to study the child support system in Nebraska. The study shall address, but not be limited to: (1) Why child support delinquencies exist; (2) the accuracy of district court child support delinquency records; and (3) the utilization and equity of the Income Shares Child Support Model.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 413. Introduced by Hartnett, 45.

PURPOSE: With the rapid growth of public and charitable gaming in the State of Nebraska has come the recognition that compulsive and problem gambling disorders represent a major social and public health problem worthy of attention by the Legislature and the expenditure of public funds.

With the adoption of the state lottery, one percent of the net proceeds of the lottery were set aside for the assistance of compulsive gamblers. Debate during the 1994 Legislative session has focused on the most appropriate mechanism for distributing those funds and the purposes for which they should be expended.

This study would propose an investigation of those issues, the development of a series of alternative approaches to the problem, and the crafting of a legislative solution based upon the most efficacious alternative for introduction in the next legislative session.

The study shall include:

(a) a study of the prevalence of compulsive and problem gambling in Nebraska and the general socio-economic profile of compulsive and problem gamblers in this state;

(b) An analysis of the social costs of compulsive and problem gambling to Nebraska families, communities, and the state, including estimates of the impact on public budgets;

(c) A description and definition of what constitutes compulsive and problem gambling according to the best medical and psychological definitions;

(d) A review of the various treatment modalities that have been developed for dealing with compulsive and problem gambling and an assessment of their efficacy; and

(e) The development of a program for local or coordinated statewide outreach, identification, treatment, and education with regard to compulsive and problem gamblers and their families, which shall include a determination of the appropriate role of private sector service providers and existing state agencies as well as the need for the expenditure of additional state funds beyond those generated by the state lottery and the development of new state government agencies or initiatives to address the problem.

This study should actively involve the members of the Nebraska Advisory Commission on Compulsive Gambling and other groups and members of the general public with an interest in or special knowledge about problem or compulsive gambling.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs and Health and Human Services Committees of the Legislature shall be designated to jointly conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 414. Introduced by Hartnett, 45.

PURPOSE: The recent decision of the State of Michigan to eliminate the property tax as a source of funding for public schools has sparked a nationwide debate. Considering the reliance of Nebraska schools on the property tax and the general public perception that property tax rates in Nebraska are excessive, it would be appropriate for the Legislature to directly address the question of the feasibility of following Michigan's example and removing property taxation from the public education financing mix.

This study will investigate that issue. It would seek to quantify existing and projected educational funding needs in Nebraska and the extent of the state financial responsibility which would follow from the elimination of the local educational property tax. It would review alternative distribution formulas which would be necessitated by such transfer in the light of existing needs and current legal and constitutional requirements for the provision of education and the equalization of educational opportunities among all Nebraska primary and secondary students. It would seek to define the proper level of local control of education in such a state-funded environment and appropriate enforcement and review mechanisms. This study will seek to determine the various alternative mechanisms for providing the

needed state funds including existing state taxes and also any proposed new forms of taxation which may have been tried in other states or which may be under consideration. The study will also seek to identify the impact of such a tax shift and any proposed new taxes or tax rates upon the general business and economic climate of the state and the creation or loss of business and employment opportunities as balanced against any impacts created by the reduction in general property tax rates and the equalization of educational opportunities. Finally, the study will investigate appropriate mechanisms to limit any tendency by other political subdivisions relying on the property tax to take advantage of new property tax capacity and appropriate time periods for implementation or phase-in of such a new education finance system.

This study shall actively involve members of the business and labor community as well as members of the educational community and the general public.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue and Education Committees of the Legislature shall be designated to jointly conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 415. Introduced by Withem, 14.

PURPOSE: The purpose of this study is to examine the feasibility of electing county administrative officials on a nonpartisan basis.

The study shall include, but not be limited to:

1. Examination of other states' processes as they relate to election of county elected officials;

2. Examination of the political arguments and studies relative to the advantage of the identification of a political party on the ballot; and

3. The effect on unaffiliated voters.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 416. Introduced by Withem, 14.

PURPOSE: The purpose of this study is to examine the feasibility of allowing deputy county attorneys, in counties with a population of less than two hundred thousand, to legally represent any other political subdivision. The study shall include, but not be limited to:

1. The ramifications of allowing deputy county attorneys in counties with a population of less than two hundred thousand to continue to contract with individual political subdivisions for legal services;

2. The cost to individual political subdivisions if a private attorney is contracted for service; and

3. What types of legal services might be able to be rendered to a political subdivision.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 417. Introduced by McKenzie, 34.

PURPOSE: To study the transfer of water. This study shall include, but shall not be limited to, the transfer of surface and ground water for agricultural, commercial, or residential use.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 418. Introduced by McKenzie, 34.

PURPOSE: To study the health problems associated with and the environmental impact of lead contamination.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee and the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 419. Introduced by McKenzie, 34.

PURPOSE: To study the system, services, and funding relating to educational service units in the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 420. Introduced by Coordsen, 32; Hartnett, 45; Preister, 5; McKenzie, 34.

PURPOSE: The purpose of this study is to examine all of the underlying state statutes governing the procedure used by public power districts to locate and construct power transmission lines and the process used by the Nebraska Power Review Board to determine the need for additional power transmission lines and to approve applications for the construction of such lines. Currently, there are no requirements for public notice and hearing at the initial stage of determination of need, during the approval process, or during the site-selection phase of the project. It is not in the best interests of the state to permit public power districts to build power transmission lines which would be surplus to the needs of the citizens of Nebraska.

Legislative Bills 1187 and 1240 were introduced in the Ninety-third Legislature, Second Session, 1994, to address the need for notice, hearing, and review of rates. Both of these bills were indefinitely postponed in committee.

This study shall include, but not be limited to:

a. Public notice and hearing by the Nebraska Power Review Board;

b. Public notice and hearing by public power districts;

c. The eminent domain process as used by public power districts;

d. Health concerns regarding electromagnetic fields generated by transmission lines;

e. Whether standards to establish the need for additional transmission lines should be mandated by the Legislature; and

f. Oversight and review of rates set by public power districts by the Nebraska Power Review Board.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were Jenae Cook from Fremont; Mary Gerdes from Johnson; 80 seniors and sponsors from Hastings Senior High School and Hastings St. Cecilia; 65 fourth grade students and sponsors from Valley Public School; a group from Seward; Mark and Jan Knobel from Fairbury and Steve and Susan Wellman from Syracuse; 110 fourth grade students and teachers from Aurora Elementary School; Lydia Morales from Mitchell, Jesse Goertz from Bayard, Connie Francis from North Platte, and Destina Flores from Scottsbluff; Sara Hammer, Rodolfo Flores, Dora Lucius, and Elizabeth Marrero from Scottsbluff; and Marie Rodriguez and Jose Zapata from Kearney, Maria Easterday from Eustis, Josephine Rodriguez from Lexington, and Rudy Rosales from Ogallala.

RECESS

At 11:57 a.m., on a motion by Mr. Pedersen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mr. Landis who was excused; and Messrs. Abboud, Ashford, Bernard-Stevens, Beutler, Chambers, Cudaback, Elmer, Haberman, Hall, Jones, Kristensen, Schellpeper, Wesely, Mmes. Pirsch, and Robak who were excused until they arrive.

MESSAGE FROM THE GOVERNOR

March 30, 1994

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 241, 570, 681, 819, 987, and 286 were received in my office on March 28, 1994.

These bills were signed by me on March 30, 1994, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 30, 1994, at 1:00 p.m., were the following bills: 683, 1129, 908, 941, 1002, 1127, and 511.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

RESOLUTIONS

LEGISLATIVE RESOLUTION 421. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Hartnett, 45; Kristensen, 37; Schellpeper, 18; Wickersham, 49; Will, 8.

PURPOSE: Few issues faced by the Legislature impact all Nebraskans as significantly as state and local taxation. Improving Nebraska's state and local tax system in terms of equity, economic competitiveness, elasticity and growth, and economy of administration is a never-ending task for the Legislature. The purpose of this study is to examine all aspects of the state and local tax system. Particular emphasis shall be given to the following areas:

A. Equity

(1) A monitoring of the study currently taking place in the Department of Revenue pursuant to Legislative Bill 719A, Ninety-second Legislature, Second Session, 1992, to quantify the tax burden borne by Nebraskans by economic sector; and

(2) A review of methods to provide indirect or direct property tax relief.

B. Economic competitiveness

(1) A review of all components of Nebraska's state and local tax systems compared with those of surrounding states and the nation as a whole; and

(2) An examination of economic incentives provided new or expanding business in Nebraska, including an analysis of the ability of state policymakers to audit these tax expenditures relative to benefits.

C. Elasticity and stability

(1) A study of the long-term impacts of average revenue growth versus average expenditure growth; and

(2) An analysis of opportunities to expand tax bases in Nebraska to reflect changes in the Nebraska economy of the last fifty years and match tax policy to economic reality.

D. Economy of administration

(1) An examination of property assessment practices in Nebraska and means of improvement; and

(2) An examination of principles in dealing with taxpayers in a consistent, responsive, and helpful manner, usually known as a taxpayer bill of rights.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee be authorized to seek input from persons and representatives of interest groups outside the Legislature in formulating tax policy principles.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 422. Introduced by Wehrbein, 2.

PURPOSE: The purpose for this study is to examine the current problem of roadside litter and to study possible legislative solutions. Since 1979, litter control has been enforced through the Nebraska Litter Reduction and Recycling Act. With the passage in 1992 of the Integrated Solid Waste Management Act, tight restrictions are now in place that regulate landfills and regulate the kind of refuse that can be taken to these sites. This has the potential of dramatically increasing the cost of accessing the landfill site, thus exacerbating the dilemma of illegal roadside dumping. This study should survey what surrounding states have done to reduce litter, including, but not limited to, requiring deposits on cans and bottles, increased penalties for littering, and other innovative legislative action that has had an impact on the reduction of roadside littering. The study should also examine the growing litter problem occurring in rural Nebraska where landfill facilities are

becoming fewer and farther apart, causing increased roadside littering. Attention should also focus on the possibility of transfer stations located in the more unpopulated areas of the state where landfills are not easily accessed. Providing for separate bins for various recyclables such as aluminum cans and hazardous materials and a reasonable access fee. Any proposal should also examine the costs and possible funding mechanisms to ensure the stability of these possible solutions to roadside littering.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 423. Introduced by Wehrbein, 2.

PURPOSE: The purpose of this study is to review the legislative role in issuing specialized license plates. Currently specialized license plates can be purchased by Pearl Harbor survivors, former prisoners-of-war, persons with amateur radio licenses, disabled veterans, and purple heart recipients. The study should examine the present need for legislation to be introduced on each request for a specialized plate, whether an administrative procedure can be held instead by the Department of Motor Vehicles on each application, what criteria would be required for issuance of such license plates by a board or commission within the department, and whether final legislative approval on each application is warranted.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION - Reconsider Action on LB 248

Mr. Pedersen renewed his pending motion, found in the Journal on page 1487, to reconsider the Final Reading vote on LB 248.

Mrs. Rasmussen moved the previous question. The question is, "Shall the debate now close?"

Mr. Robinson moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The motion to cease debate prevailed with 25 ayes, 3 nays, and 21 not voting.

The Pedersen motion to reconsider prevailed with 30 ayes, 4 nays, 10 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

BILLS ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 248.

Mr. Lynch requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 25:

Bohlke	Hall	Lynch	Preister	Wehrbein
Byars	Hartnett	McKenzie	Rasmussen	Wesely
Chambers	Hillman	Monen	Schellpeper	Wickersham
Coordsen	Janssen	Moore	Schimek	Will
Haberman	Lindsay	Pedersen	Vrtiska	Withem

Voting in the negative, 15:

Abboud	Crosby	Elmer	Kristensen	Robinson
Ashford	Cudaback	Fisher	Pirsch	Warner
Avery	Day	Jones	Robak	Witek

Present and not voting, 7:

Beutler	Dierks	Hudkins	Matzke	Schmitt
Bromm	Engel			

Excused and not voting, 2:

Bernard-Stevens Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 248A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 248, Ninety-third Legislature, Second Session, 1994; and to provide for a transfer of funds.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 36:

Abboud	Cudaback	Hillman	Monen	Vrtiska
Ashford	Day	Hudkins	Moore	Warner
Avery	Elmer	Janssen	Pedersen	Wehrbein
Bohlke	Fisher	Kristensen	Preister	Wesely
Bromm	Haberman	Lindsay	Rasmussen	Wickersham
Byars	Hall	Lynch	Schellpeper	Will
Chambers	Hartnett	McKenzie	Schimek	Withem
Coordsen				

Voting in the negative, 1:

Witek

Present and not voting, 10:

Beutler	Dierks	Jones	Pirsch	Robinson
Crosby	Engel	Matzke	Robak	Schmitt

Excused and not voting, 2:

Bernard-Stevens Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions and bills: LR 369, LR 374, LB 248, and LB 248A.

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 424. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Engel, 17; Hillman, 48; Lynch, 13; Wehrbein, 2.

PURPOSE: As a result of Legislative Resolution 221, Ninety-third Legislature, First Session, 1993, which studied the foster care reviews conducted by the Department of Social Services, the State Foster Care Review Board, and the courts, the Appropriations committee finds that duplication exists in these systems.

The purpose of this resolution is to establish an ad hoc committee to study and propose to the Legislature ways of eliminating this duplication and increasing the effectiveness and efficiency of these systems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the chairpersons from the Appropriations Committee and Health and Human Services Committee of the Legislature each shall appoint an ad hoc committee consisting of three members each from their respective committees. Two representatives of the Executive branch, to be selected by the Governor, may also be appointed.

2. That in conducting this study, the committee may use the Legislative Fiscal Analyst, the Legislative Research Division, and the legislative staff of the senators appointed to the committee.

3. That the committee complete its study and report its proposals for eliminating such duplication to the Legislative Council or the Legislature by October 1, 1994.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 425. Introduced by Hartnett, 45.

PURPOSE: The extensive discussion about LB 903 in this legislative session and the fact that seven bills were introduced which added additional judges, reshuffled judicial district boundaries, or amended the current system for managing judicial resources, point out the need for a serious review of the current system of allocating judicial resources.

This study would propose a review of current judicial district boundaries, the operation of the Judicial Resources Commission, and the current workloads of judges of the county, district, and juvenile courts of this state. Particular emphasis should be placed upon a review of the current system for the measuring judicial workloads and its accuracy and what criteria are appropriate for consideration in the measurement process. The study should review the operation of the Judicial Resources Commission and the administration of the process by the State Court Administrator. The study should include an investigation of alternative mechanisms for the management of judicial resources as suggested by experts on the process or as developed in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 426. Introduced by Day, 19; Rasmussen, 20.

PURPOSE: The purpose of this study is to examine the current service delivery system for children and families and to propose modifications or alternatives to the current system which will provide integrated, family-centered, community-based services. The study will focus on various aspects of the service delivery system, including, but not limited to, a single point of access, needs assessment, case management, service coordination, and service delivery structure. Current funding sources will be examined and alternatives will be explored concerning ways to redirect existing dollars to provide better coordinated and more appropriate services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Messrs. Warner, Kristensen, Schellpeper, Hartnett, Wickersham, Coordsen, Will, Wesely, Abboud, Byars, Lynch, Preister, Beutler, Hall, Pedersen, Mmes. Crosby, Rasmussen, and Ms. Schimek asked unanimous consent to print the following amendment to LB 902 in the Journal. No objections. So ordered.

(Amendment, AM4130, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Messrs. Warner, Wesely, Beutler, Pedersen, Hall, Ms. Schimek, and Mrs. Crosby asked unanimous consent to print the following amendment to LB 902 in the Journal. No objections. So ordered.

AM4131

(Amendments to AM4130)

1. Insert the following new sections:

"Sec. 40. Sections 1 to 20, 22, 32, 38, and 41 of this act shall become operative on January 1, 1995. The other sections of this act shall become operative on their effective date.

Sec. 41. That original sections 77-3504 and 77-3523, Reissue Revised Statutes of Nebraska, 1943, sections 77-1315, 77-1338, 77-1502, 77-1504, 77-1506.01, 77-1514, and 77-3510, Revised Statutes Supplement, 1992, and sections 13-509 and 77-507.01, Revised Statutes Supplement, 1993, are repealed.

Sec. 42. That original sections 77-3501, 77-3507, 77-3509, 77-3511, 77-3521, 77-3522, and 77-3529, Reissue Revised Statutes of Nebraska, 1943, and sections 77-3508, 77-3513, and 77-3514, Revised Statutes Supplement, 1992, are repealed.

Sec. 43. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Strike amendment 2 and insert the following new amendment:

"2. Strike original sections 21 and 22 and all amendments thereto.".

3. On page 2, line 27, after "By" insert "June 1, 1994, and by" and after "year" insert "thereafter".

4. On page 3, line 15, strike "and (3)" and insert ", (3), and (4)"; and in line 16 after "For" insert "1994, for a qualified married or single claimant whose household income is $10,400 or less, one hundred percent of the exempt amount.

(3) For 1995 and each year thereafter, for".

5. On page 4, line 8, strike "(3) For" and insert

"(4) For 1995 and each year thereafter, for".

6. On page 5, line 18, strike "and (3)" and insert ", (3), and (4)".

7. On page 6, line 1, after "For" insert "1994, for a married or single claimant as described in subsection (1) of this section whose household income is $10,400 or less, one hundred percent of the exempt amount.

(3) For 1995 and each year thereafter, for"; and in line 21 strike "(3) For" and insert "(4) For 1995 and each year thereafter, for".

8. On page 8, lines 5 and 6, strike "and (3)" and insert ", (3), and (4)"; and in line 10 after "For" insert "1994, for a married or single claimant as described in subsection (1) of this section whose household income is $10,400 or less, one hundred percent of the exempt amount.

(3) For 1995 and each year thereafter, for".

9. On page 9, line 7, strike "(3) For" and insert "(4) For 1995 and each year thereafter, for".

Messrs. Robinson and Engel asked unanimous consent to print the following amendment to LB 1354 in the Journal. No objections. So ordered.

AM4159

1. On page 3, line 26, after "(3)" insert:

"Recipient tracks as defined in section 2-1208.03 shall be offered racing dates that will complete their live racing season prior to the first Monday in November with no overlapping of racing dates with another licensee unless approved by the licensees involved.

(4)".

SELECT FILE

LEGISLATIVE BILL 991. Mr. Lynch withdrew his amendment, FA463, found in the Journal on page 1409 and considered on page 1419.

Messrs. Coordsen, Vrtiska, Schellpeper, and Dierks renewed their pending amendment, AM4052, found in the Journal on page 1436.

Mrs. Bohlke requested a division of the question on the Coordsen et al. amendment.

The Chair sustained the division of the question.

The first Coordsen et al. amendment is as follows:

FA514

1. Strike the Moore amendment, AM3624.

Mrs. Bohlke withdrew her request for the division of the question.

Mr. Coordsen withdrew the Coordsen et al. amendment, AM4052.

Mrs. Bohlke and Mr. Withem renewed their pending amendment, AM4206, found in the Journal on page 1577.

MR. HALL PRESIDING

Mr. Moore offered the following amendment to the Bohlke-Withem pending amendment:
AM4228

1. In the Withem-Bohlke amendment, AM4206, on page 1, line 2, strike "412,944,812" and insert "410,944,812"; in line 3 strike "414,188,884" and insert "412,188,884"; in line 4 strike "$408,610,202" and insert "$406,610,202"; and in line 5 strike "$9,895,000" and insert "$7,895,000".

2. In the Bohlke amendment, AM3823, on page 1, strike beginning with the semicolon in line 6 through the quotation marks in line 9.

Mrs. Bohlke moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Moore moved for a call of the house. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Moore requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Avery	Crosby	Hillman	Moore	Schmitt
Bernard-Stevens	Dierks	Hudkins	Pedersen	Vrtiska
Bromm	Elmer	Janssen	Pirsch	Warner
Coordsen	Engel	Jones	Robinson	Wehrbein
	Fisher	Kristensen	Schellpeper	Witek

Voting in the negative, 23:

Abboud	Chambers	Lindsay	Preister	Wesely
Ashford	Cudaback	Lynch	Rasmussen	Wickersham
Beutler	Day	Matzke	Robak	Will
Bohlke	Hall	McKenzie	Schimek	Withem
Byars	Hartnett	Monen		

Excused and not voting, 2:

Haberman Landis

The Moore amendment lost with 24 ayes, 23 nays, and 2 excused and not voting.

Pending.

The Chair declared the call raised.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 30, 1994, at 3:10 p.m., were the following bills: 248 and 248A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LR 29CA in the Journal. No objections. So ordered.

FA515

(Amend Final Reading copy)

On page 2, strike beginning with "a" in line 11 through "proceeding" in line 12.

Mr. Beutler asked unanimous consent to print the following amendment to LB 1031 in the Journal. No objections. So ordered.

AM4199

1. Insert the following new section:

"Sec. 2. That section 81-15,113.01, Revised Statutes Supplement, 1993, be amended to read as follows:

81-15,113.01. (1) There is hereby created the Community Improvements Cash Fund which shall be under the direction of the department. The Central Interstate Low-Level Radioactive Waste Compact Commission shall annually through ~~1993~~ 1994 remit to the department the funds received from the states belonging to the Central Interstate Low-Level Radioactive Waste Compact as compensation paid to the host state. When the facility begins operation, the developer shall levy, collect, and remit to the department a surcharge on the rates charged to the users of the facility which is sufficient to raise two million dollars per year together with any adjustments made by the department pursuant to this section. The department shall remit such surcharge to the State Treasurer who shall credit it to the Community Improvements Cash Fund. On October 1, 1990, and each October 1 thereafter, the department shall adjust the amount to be remitted by the developer by an amount equal to the percentage

increase in the Consumer Price Index or, if publication of the Consumer Price Index is discontinued, a comparable index selected by the director. There is hereby appropriated three hundred thousand dollars from the Community Improvements Cash Fund for the period July 1, 1988, to June 30, 1989, to carry out the purposes of this section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

(2) The department shall distribute money from the fund as follows:

(a) Prior to final site selection, three hundred thousand dollars per year shall be allocated for public purposes to be divided among the communities that are under active consideration to host the facility as provided in subsection (3) of this section;

(b) After the final site has been selected and until the facility is operational, three hundred thousand dollars per year shall be allocated for public purposes as provided in subsection (3) of this section. Acceptance of the funds distributed pursuant to this subdivision or subdivision (a) of this subsection shall in no way affect the siting process; and

(c) Once the facility is operational and during the operational life of the facility, the total amount in the fund shall be allocated each year for public purposes as provided in subsection (3) of this section.

(3) Money distributed pursuant to subdivisions (2)(a), (b), and (c) of this section shall be allocated as follows:

(a) Fifty percent of such money shall be distributed to incorporated municipalities which lie totally or partially within ten kilometers of the facility or the proposed facility based on the ratio of the population of the particular incorporated municipality to the total population of all such incorporated municipalities as determined by the latest federal census; and

(b) Fifty percent of such money shall be distributed to the county treasurer of the county where the facility is located or proposed to be located to be distributed to each political subdivision which levied property taxes on the property where the facility is located or proposed to be located. The money shall be distributed on the basis of the ratio of the total amount of taxes levied by each political subdivision to the total amount of property taxes levied by all such political subdivisions on such property based on the amounts stated in the most recent certificate of taxes levied submitted by each county to the Tax Commissioner pursuant to section 77-1613.01.

(4) The Natural Resources Committee of the Legislature shall conduct a study to establish a formula for

the equitable distribution of the funds specified in subdivision (2)(c) of this section. The committee shall hold public hearings necessary to carry out the purposes of the study.".

2. On page 18, line 22, strike "section 81-1505" and insert "sections 81-1505 and 81-15,113.01"; and in line 23 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Mr. Chambers asked unanimous consent to print the following amendment to LB 677A in the Journal. No objections. So ordered.

AM4214

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated (1) $40,000 from the General Fund for FY1993-94 and (2) $161,042 from the General Fund for FY1994-95 to the Board of Parole, for Program 358, to aid in carrying out the provisions of Legislative Bill 677, Ninety-third Legislature, Second Session, 1994.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed -0- for FY1994-95 or $109,281 for FY1995-96.

Sec. 2. That original Laws 1993, LB 541, section 138, be amended to read as follows:

Sec. 138. AGENCY NO. 46 -- DEPARTMENT OF CORRECTIONAL SERVICES

Program No. 360 - Operations

	FY1993-94	FY1994-95
~~GENERAL FUND~~	~~61,341,369~~	~~62,085,826~~
GENERAL FUND	61,341,369	61,924,784
CASH FUND	681,868	680,568
FEDERAL FUND est.	636,587	632,910
REVOLVING FUND est.	5,686,003	5,809,179
~~PROGRAM TOTAL~~	~~68,345,827~~	~~69,208,483~~
~~SALARY LIMIT~~	~~36,807,883~~	~~37,964,084~~
PROGRAM TOTAL	68,345,827	69,047,441
SALARY LIMIT	36,807,883	37,854,803

The salary limitations provided by this section do not include Revolving Fund salaries. There are no salary limitations for Revolving Fund program classifications 390 and 563.

The Department of Administrative Services shall monitor appropriations and expenditures for this program according to the following program classifications:

No. 364 - Juvenile Parole Administration

No. 368 - Lincoln Community Corrections Center

No. 369 - Omaha Community Corrections Center
No. 370 - Central Office
No. 371 - Youth Development Center-Geneva
No. 372 - Nebraska State Penitentiary
No. 373 - Nebraska Center for Women - York
No. 374 - Youth Development Center-Kearney
No. 376 - Lincoln Correctional Center
No. 377 - Omaha Correctional Center
No. 378 - Hastings Correctional Center
No. 383 - Lincoln Treatment Facility
No. 389 - Adult Parole Administration
No. 390 - Federal Surplus Property
No. 563 - Correctional Industries

Revolving Fund expenditures shall not be limited to the amounts shown.

The unexpended General Fund balance existing on June 30, 1993, is hereby reappropriated.

It is intended that the Department of Correctional Services shall maintain a Department Contingency Fund and a Department Equipment Fund.

Sec. 3. That original Laws 1993, LB 541, section 138, is repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, strike beginning with the second "to" in line 1 through the semicolon in line 3 and insert "to amend Laws 1993, LB 541, section 138; to appropriate funds to aid in carrying out the provisions of Legislative Bill 677, Ninety-third Legislature, Second Session, 1994"; and in line 4 after the semicolon insert "to repeal the original section;".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 1061 in the Journal. No objections. So ordered.

AM3980

1. Strike original sections 1 to 7 and 9 to 12 and insert the following new sections:

"Section 1. That section 52-601.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

52-601.01. A person who shall perform work or labor, or exert care or diligence, or who shall advance money or material upon personal property under a contract, expressed or implied, and who holds such property for a period of ~~one hundred eighty~~ ninety days, may dispose of the property by sale or other manner. Such disposition shall not occur until thirty days after the mailing of a written notice of the intended disposition by certified mail, return receipt requested, to the last-known address of the owner of the

personal property to be disposed of, and to any lien or security interest holder of record.

Sec. 10. That original section 52-601.01, Reissue Revised Statutes of Nebraska, 1943, section 60-482, Revised Statutes Supplement, 1992, and sections 60-320, 60-6,298, and 84-712.05, Revised Statutes Supplement, 1993, are repealed.".

2. In the Standing Committee amendment, AM2872:

a. Strike amendment 2;

b. Renumber sections 7, 13 to 18, and 20 as sections 2, 4 to 9, and 11 respectively;

c. On page 22, line 8, strike "13, 16, and 19" and insert "4, 7, and 10"; and in line 20 strike "sections" and insert "section"; and

d. Renumber the remaining amendment accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 427. Introduced by Kristensen, 37.

PURPOSE: The purpose of this resolution is to study the cable television industry and to examine issues such as customer service, rates, governmental regulation, and municipal ownership.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Transportation Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 428. Introduced by Kristensen, 37.

PURPOSE: The purpose of this resolution is to study issues which are related to the telecommunications industry in the State of Nebraska. The study shall focus upon issues related to the development of the national information "superhighway" and the impact that such development will have upon such subjects as universal service, local competition, and the role of state government in the regulation of telecommunications services and providers.

The study shall include a review of the Clinton Administration's proposals for the reform of the Communications Act of 1934 and related efforts to encourage and focus investment in the national information infrastructure. Legislation currently pending before the United States Congress, specifically HR 3636, HR 3626, and S1822, shall be reviewed to determine the effect upon, and the consequences

to, current Nebraska statutory provisions regulating telecommunications providers.

The study shall focus specific consideration upon the impact to current state regulatory policy of proposals before the United States Congress which would:

1. Preempt state laws and regulations which limit entry into the local telephone business; and

2. Preempt state rate regulation provisions for telecommunications companies which are determined to lack market power.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 429. Introduced by Kristensen, 37.

PURPOSE: The purpose of this resolution is to examine issues related to public and private crossings of railroad tracks. The issues to be examined by the study shall include, but not be limited to, crossing safety, crossing blockage, the identification and closure of dangerous and/or redundant crossings and the appropriate public policy balance between the efficient movement of commerce by rail and the promotion and preservation of public convenience and safety upon public streets and highways.

Current inventory and train movement information demonstrates the following:

1. At the present time there exists in this state four thousand one hundred public and four thousand private railroad crossings. There also exists a total of four thousand one hundred miles of railroad trackage;

2. At the present time, approximately four hundred trains per day operate within or through the state;

3. The most heavily utilized trackage in the state is the Union Pacific mainline through central Nebraska. Currently, that portion of the mainline carries an average of ninety-one trains daily. Based upon projections assuming continued economic growth, traffic along that portion of the mainline could, in the future, increase to one hundred fifty trains per day. Moving trains alone could close crossings for up to five hours out of every twenty-four hours; and

4. As a state largely rural in nature, Nebraska faces the double dilemma of having high train traffic volume and low volume traffic crossings making it very difficult to qualify for federal crossing protection assistance. At current funding levels it will take the state

approximately one hundred forty years to place signals at existing crossings which do not currently have active warning systems.

The study also shall consider proposals discussed during the 1994 legislative session aimed at preventing the blockage of crossings by parked trains.

The study shall examine current provisions of law enacted to address crossing protection including:

(a) Railroad Transportation Safety Districts;

(b) The Grade Crossing Protection Fund; and

(c) Provisions regulating line-of-sight obstruction at crossings.

The study shall seek the input and testimony of affected individuals and communities through the public hearing process. In conducting the study, the assistance and input of the Department of Roads, Nebraska Association of County Officials, the League of Nebraska Municipalities, railroad corporations operating within the State, railroad labor, Operation Lifesaver and other interested parties shall be sought.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 430. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Day, 19; Fisher, 35; Lynch, 13; Moore, 24; Robak, 22.

PURPOSE: The purpose of the resolution is to evaluate the adequacy of the combined contribution rate for the Nebraska State Patrol Retirement System. The study shall evaluate the impact of:

(a) Plan changes authorized in Legislative Bill 724, Ninety-third Legislature, First Session, 1993;

(b) Assumed rate of return;

(c) Assumed rate of salary increases;

(d) Investment performance;

(e) Mortality tables; and

(f) Assumed withdrawal rates on the funding status of the plan.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 431. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Day, 19; Fisher, 35; Lynch, 13; Moore, 24; Robak, 22.

PURPOSE: In 1992, the Nebraska Legislature authorized a comprehensive study of the retirement systems. One component of that study reviewed the adequacy of the benefits provided by the retirement systems. Adequacy of benefits was based upon the income replacement needed to maintain the same standard of living during retirement as before retirement. This study shall review the costs associated with changing current contribution rates to provide additional benefits for retirement plans which fail to meet income replacement needs identified in the previous study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 432. Introduced by Dierks, 40.

PURPOSE: The purpose of this resolution is to direct that an interim study be conducted concerning nonresident tuition policies at public postsecondary educational institutions. The study should examine whether nonresident tuition charged to nontraditional students employed full-time in Nebraska with significant Nebraska income tax liability in relation to their income is appropriate, and related issues.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 433. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Bromm, 23; Preister, 5; Robinson, 16; Will, 8; and Janssen, 15, Wickersham, 49.

PURPOSE: One of the oldest and most important institutions of local city and village government is the volunteer fire department. For well over a century, groups of local volunteers have provided fire suppression and emergency response services to their local communities at only a fraction of the cost to taxpayers that would have resulted from the need to implement a paid fire department. Many cities and villages could not afford the cost of their current level of service without the presence of a local pool of committed and dedicated volunteers.

During the 1993 interim, the Urban Affairs Committee of the Legislature began a process of reviewing existing statutes governing the organization, operation, and management of volunteer fire department for the purpose of revising and updating them within the context of an organized and coherent series of statutes in a single chapter or area of statutes.

Legislation considered in the 1993 session had shown the need for such a review. Over the course of time, numerous pieces of legislation have been adopted for different purposes and to meet particular problems arising at a given moment without regard to the whole body of statutes governing volunteer departments. This has led to a patchwork of legislation lacking coherency and consistency and has often led to inconsistency. Many statutes are outdated. Solutions adopted for 1930's problems often have little relevancy to the legal and financial difficulties facing volunteer departments in the 1990's.

The purpose of this study will be to continue the process begun with LR 206, Ninety-third Legislature, First Session, 1993, and complete the review and revision of the statutes governing volunteer fire and rescue departments. An attempt will be made to modernize the statutes when appropriate to provide volunteer departments with the authority to continue to serve their communities into the next century and provide them with the financial resources to meet their responsibilities to the general public. Special attention will be given to the problems of volunteer department organization and the legal relationship between a volunteer department and the city, village, or fire protection district which it serves. Problems of the federal and state tax status of volunteer departments and the contributions they receive and purchases they make will be investigated. In addition, the study will focus on the problem of a diminishing pool of willing volunteers and the need to encourage qualified individuals to become and remain volunteers. An attempt will be made to quantify the problem and possible causes and seek to develop solutions which can be addressed by appropriate legislation. Solutions to be studied shall include incentive programs with financial benefits for volunteers during

or after their terms of active service and mechanisms for encouraging employers of volunteers to permit their participation as volunteers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 434. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Bromm, 23; Preister, 5; Robinson, 16; Schimek, 27; Will, 8.

PURPOSE: In keeping with the responsibility of the Urban Affairs Committee of the Legislature to monitor and review the regulation of natural gas service under the provisions of the Municipal Natural Gas Regulation Act, this study would undertake to deal with several aspects of the regulation process which have arisen under various proposals and Legislative initiatives considered by the committee in the past two legislative sessions.

In addition to the annual general review of the operation of the Municipal Natural Gas Regulation Act, the study would focus primarily on, but not be limited to, the following issues:

(a) The first year's experience of natural gas utility reporting under the provisions of LB 508, Ninety-third Legislature, First Session, 1993, which dealt with prohibitions on utility subsidization of related appliance sales and service affiliates and the requirement to report on such activities, with a particular emphasis on the need to make utility reports more comprehensive and meaningful and on the possible need for a statewide oversight body to respond to consumer complaints;

(b) The need for enhanced public notice provisions in the Municipal Natural Gas Regulation Act to insure that the general public is aware of and able to participate meaningfully in the final rate area hearing on new natural gas rates;

(c) The need for an alternative process in the Municipal Natural Gas Regulation Act to provide for appropriate public input into a rate setting proceeding when the municipalities and the utility have reached a compromise agreement on new rates;

(d) The need for some public oversight of the setting of rates being charged by a utility to rural customers residing outside of the boundaries of incorporated municipalities, including customers within the extraterritorial zoning jurisdiction of municipalities;

(e) The current statutes on the granting of municipal franchises to utilities for the provision of natural gas, including the process and the

terms upon which such franchises are granted, reviewed, and renewed. Consideration shall be given to the appropriateness of providing states funds, either by grant or loan, to assist municipalities in the study of franchises prior to granting or renewal, the granting of multiple franchises, and the possible incorporation of franchise authority into the act;

(f) The current provisions on the condemnation of natural gas utilities by municipalities to determine if changes are necessary to provide for greater economy, efficiency, and safety for consumers as well as security, certainty, and stability for natural gas utilities;

(g) The impact of current changes in the natural gas industry caused by federal regulatory changes, most particularly, FERC Order 636, and industry reorganization as they would affect the current regulatory process in Nebraska and the need for any statutory changes to address the new industry situation; and

(h) The appropriate role, if any, for the Public Service Commission in the regulation of natural gas in Nebraska.

The study will actively involve representatives of the natural gas industry, municipalities, and consumer and business advocate groups as well as interested members of the general public.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 435. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Bromm, 23; Preister, 5; Robinson, 16; Schimek, 27; Will, 8.

PURPOSE: Of the several standing committees, the Urban Affairs Committee of the Legislature has perhaps the broadest and most diverse subject-matter jurisdiction. Bills will quite often arise from specific problems in specific cities or villages in a manner which does not lend itself to early identification or classification as would be the case within the jurisdiction of other committees. More often than not, these issues arise outside of the period of the regular legislative session and to address them adequately and fully in the next session, the Urban Affairs Committee of the Legislature must begin work on them during the interim period.

Recognizing this fact, the Urban Affairs Committee of the Legislature has, in the past five years, undertaken during the interim period a general study aimed at identifying specific problems prior to

the next legislative session to permit more careful review and drafting of proposed legislation before the next legislative session begins when time constraints may make such review impossible.

The purpose of this study will be to continue the process begun by LR 95, Ninety-first Legislature, First Session, 1989, and provide a forum during the interim period for municipalities and citizens to present issues to the committee which could be the subject of future legislation and to solicit the reaction of interested parties to proposals presented to the committee. The subjects available for committee consideration shall extend to any matter relevant to the committee's subject-matter jurisdiction.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 436. Introduced by Withem, 14.

PURPOSE: The purpose of this resolution is to examine issues related to actual and potential conflicts of interest confronting public officials in general and members of the legislative branch and the executive branch of government specifically. The need for enacting legislation to ensure continued recognition of actual and potential conflicts will be determined and recommendations will be made to clarify the responsibilities of public officials in reporting such conflicts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature and the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 437. Introduced by Withem, 14.

PURPOSE: The purpose of this resolution is to examine the issues surrounding the establishment of the current child support guidelines

used in determining the child support obligations of both custodial and noncustodial parents.

The study shall examine, among other issues:

(1) Which state agency, department, or other body would be the appropriate entity to establish child support guidelines;

(2) The process currently employed in establishing child support guidelines as it relates to opportunities for public input and provisions for appeal;

(3) Whether there is a sufficient relationship between the costs of raising a child, the amount of child support ordered, and the ability of parents to contribute;

(4) Whether factors other than income should be considered in establishing child support obligations and what those factors should be.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 438. Introduced by Wesely, 26.

PURPOSE: The purpose of this resolution is to examine problems and concerns regarding adoption in Nebraska. Adoption legislation, including Legislative Bill 1318, Ninety-third Legislature, Second Session, 1994, programs, and policies need to be examined to see how they can be improved. The nature, extent, and impact of advertising for adoption also needs to be studied.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 439. Introduced by Wesely, 26.

PURPOSE: To examine the current statutory requirements and regulations regarding Workers' Compensation self-insurance in

Nebraska and to make a comparison between Nebraska's and other states' requirements and regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 440. Introduced by Wesely, 26.

PURPOSE: The purpose of this resolution is to study the need for a state housing trust fund. The study shall include an examination of trust funds in other states, potential program responsibilities, and possible funding sources.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 441. Introduced by Wesely, 26; Lindsay, 9.

PURPOSE: To study the current inmate population of the Department of Correctional Services with a focus on those individuals convicted of sexual offenses. The study shall look at the number of inmates convicted of sex offenses, the nature of their crimes, past criminal history, history of psychological treatment, and any other information deemed pertinent by the study committee. As a part of the study the committee shall study the affects of the possible implementation of LB 1319, introduced during the Ninety-third Legislature, Second Session, 1994, relating to sexually violent predators.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee and the Judiciary Committee of the Legislature shall be jointly designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Health and Human Services Committee and the Judiciary Committee shall upon the conclusion of their study make a report of their findings, together with any recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 442. Introduced by Wesely, 26.

PURPOSE: To examine the administrative costs of K-12 education relative to those costs associated with teachers' salaries and other costs of education in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 443. Introduced by Lindsay, 9.

PURPOSE: The purpose of the resolution is to look into the issues facing Nebraska's criminal justice system in the near and foreseeable future. The study may include sentencing statutes, alternative sentencing, categorization of criminal penalties, correctional administration issues, judicial policies, administration, probation, and parole issues, and other potential challenges as the committee sees fit.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 444. Introduced by Lindsay, 9.

PURPOSE: The purpose of this resolution is to study the current indigency defense system in the State of Nebraska. The study shall include, but not be limited to, the following issues:

(1) A survey of other states' indigency defense systems and how they compare to the present system in Nebraska;

(2) An analysis of the comments and recommendations set forth in the Indigency Defense Task Force Report issued in December 1993; and

(3) The fiscal impact that would result from the implementation of the task force's recommendations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 445. Introduced by Lindsay, 9.

PURPOSE: The purpose of the resolution is to look into the issues relevant to judicial burn-out. The study shall include an analysis of the causes of burn-out. The impact upon the judicial system, and the possible imposition of procedural, systemic, and statutory changes that might lead to an alleviation of the problem, if found.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 446. Introduced by Lindsay, 9; Rasmussen, 20.

PURPOSE: The purpose of the resolution is to examine the issues relevant to the procedure of the investigation of reports of neglected and abused children. The study shall include an overview of the current statutory provisions and the procedures used by the Department of Social Services to investigate reports of child abuse and neglect. In addition, the study shall focus upon the issues surrounding the Central Registry kept by the department of those alleged to have committed the offenses of child abuse and neglect as well as the legal issues related to reports, due process concerns, and the procedures that should be

employed by those persons who have their name entered into the Central Registry and who wish to have their name removed from the registry.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 447. Introduced by Lindsay, 9; Rasmussen, 20.

PURPOSE: The purpose of the resolution is to examine the issues raised during the public hearing before the Judiciary Committee on Legislative Bill 1148, Ninety-third Legislature, Second Session, 1994. The study shall include a report on the incidence and impact of prenatal exposure to controlled substances and the possible criminal, civil, and alternative remedies that the state can adopt to reduce the incidence of this prenatal exposure. The study shall examine the policies of other states, the effectiveness of legislative remedies, the possible inclusion of prenatal exposure to alcohol abuse, the role of each parent in the possible physical, mental, and psychological defects, and the developmental delays caused by prenatal substance abuse.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 448. Introduced by Wehrbein, 2.

PURPOSE: The purpose of this study is to review the method the Game and Parks Commission uses for awarding deer hunting permits in Nebraska. The study should examine the current deer population and how to best conserve the deer population without unnecessary damage being done to agricultural crops. In addition, the study should explore the possibility of giving deference to landowners for the

awarding of a deer permit. A survey should be taken of surrounding states to research the procedure for how hunting permits are distributed, what fees are charged, the methods for deciding the number of permits to issue, and how each state considers a landowner's request to hunt on the landowner's property.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 449. Introduced by Beutler, 28.

PURPOSE: To explore the issue of the integrated management of ground water and surface water in the state, including the legal, institutional, regulatory, and socioeconomic effects of such a system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 450. Introduced by Beutler, 28.

PURPOSE: To study the occurrence of ground water, surface water, and water right transfers in the state and to examine what, if any, changes are needed in the law to address such transfers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 451. Introduced by Beutler, 28.

PURPOSE: To study the issue of water contamination in the state, including water quality and quantity, sources of pollution, testing requirements for drinking water and the costs of such testing, contaminant level standards for fertilizers and pesticides, agricultural chemical containment, and coordination between Nebraska governmental entities of regulatory activities relating to contamination.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 452. Introduced by Beutler, 28.

PURPOSE: To study water related issues in connection with the state's natural resources districts in order to determine: (1) The probable future costs of managing surface water quality and quantity and ground water quality and quantity by obtaining an assessment of those costs from the natural resources districts, which estimated costs assessment shall include ground water management areas, special ground water quality protection areas, and ground water control areas; (2) whether there is continuing surface water pollution, ground water pollution, and ground water depletion within each natural resources district; and (3) to identify each natural resources district's efforts to correct surface water pollution, ground water pollution, and ground water depletion.

The study will also examine what, if any, changes are needed in the law relating to natural resources districts to facilitate proper management of water quality and quantity and what, if any, changes are needed in other areas of Nebraska law to help bring such problems under control.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 453. Introduced by Beutler, 28.

PURPOSE: To study state laws and policies relating to instream appropriations of water including an examination of applications filed under such statutes and judicial interpretation of relevant issues. The study shall also examine what, if any, changes are needed in the law relating to instream appropriations of water or other areas of Nebraska law to facilitate proper management of water resources.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 454. Introduced by Beutler, 28.

PURPOSE: To study the feasibility of developing alternate energy sources, including, but not limited to, a review of the current research and development efforts of the public power industry in Nebraska relating to alternate and renewable energy sources and alternate energy incentives provided by federal legislation and regulation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 455. Introduced by Beutler, 28.

PURPOSE: The purpose of this resolution is to examine and review the sections of the federal Energy Policy Act of 1992 which affect residents of Nebraska and the operation of state and local governments in Nebraska. The provisions of the act will have far reaching effects on Nebraska. Requirements of the act include adopting and promoting

alternative fueled transportation, energy efficiency, opportunities in renewable energy, and financial incentives for implementation of the act. For example, the study would address adoption of the 1992 Model Energy Code and ASHRAE Standard 90.1-1989 for residential and commercial buildings, respectively, and the identification of barriers and incentives for increased use of alternative fuels.

Specific sections of the act to be studied include, but are not limited to, Title I--Energy Efficiency, Title III--Alternative Fuels--General, Title IV--Alternative Fuels--Non-federal Programs, Title V--Availability and Use of Replacement Fuels, Alternative Fuels, and Alternative Fueled Private Vehicles, Title XII--Renewable Energy, Title XVI--Global Climate Change, Title XXI--Energy and Environment, and Title XXII--Energy and Economic Growth.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 456. Introduced by Beutler, 28.

PURPOSE: To review the statutory authority of public power districts, public power and irrigation districts, rural power districts, municipal utilities, and the Nebraska Power Review Board to determine whether an update of such authority is appropriate and necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 457. Introduced by Beutler, 28.

PURPOSE: The purpose of this study is to examine the extent of environmental lead poisoning in the State of Nebraska, the medical treatment of persons affected by environmental lead poisoning, and the need for distinguishing and abating lead hazards in the environment. The study shall include the feasibility of adopting legislation

concerning environmental lead hazard recognition, treatment, and abatement.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources and Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall seek the cooperation of the Nebraska Natural Resources Commission and the Department of Health in this study.

3. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 458. Introduced by Beutler, 28.

PURPOSE: To study the operating structure and legal authority of the Game and Parks Commission including, but not limited to, an examination of the commission's authority with regard to the acceptance and disposition of property, the structure of in lieu of tax payments to counties, and the criminal penalties under the jurisdiction of the commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 459. Introduced by Beutler, 28.

PURPOSE: To study state policies relating to plant and animal species, including, but not limited to, whether species not otherwise regulated by state or federal law should be regulated and the effect of application of laws relating to threatened and endangered species on regulated entities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 460. Introduced by Beutler, 28.

PURPOSE: The purpose of this resolution is to study the current method for funding the implementation of programs consistent with the requirements of the Clean Air Act, 42 U.S.C. 7401 et seq., as amended.

The study will examine whether the statutory cap on the emissions fee (section 81-1505.04) will result in unfair consequences for some payers and whether there are alternative methods to fund the implementation of the Clean Air Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 461. Introduced by Beutler, 28.

PURPOSE: To study issues relating to radioactive waste, including, but not limited to, liability, community consent, waste facility location, and ownership of real estate on which waste facilities are located.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 462. Introduced by Beutler, 28.

PURPOSE: To study state laws and policies relating to solid waste and litter and waste reduction and recycling, including an examination of the revenue, expenditures, and administration of the Nebraska Litter Reduction and Recycling Fund and the Waste Reduction and Recycling Incentive Fund, current and future recycling efforts in state government, how current distribution systems may become more efficient and effective, and how state policies may be restructured to provide further market incentives for the reduction, reuse, and recycling of solid waste and litter.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 463. Introduced by Beutler, 28.

PURPOSE: To study issues related to the response, investigation, and cleanup of environmental hazards, including a review of relevant federal and state laws, particularly the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), and the possibility of creating a similar state act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 464. Introduced by Beutler, 28.

PURPOSE: To review Nebraska governmental entities overseeing natural resources such as the Department of Environmental Quality, the Nebraska Natural Resources Commission, the Department of Water Resources, the Department of Health, the Game and Parks Commission, and the natural resources districts to determine whether the organizational structure of those entities could be strengthened or

combined in order to improve the regulation of natural resources in the state. The review will include identification of similar agencies in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 465. Introduced by Rasmussen, 20; Bohlke, 33.

PURPOSE: The purpose of this resolution is to address issues surrounding the establishment of a statewide system of technology centers as a resource for educators to effectively use technology to enhance learning. This study shall include, but not be limited to, an examination of the following:

(1) Identification of vision, mission, and goals for a technology center with regional centers throughout the state;

(2) Development of initial training;

(3) Resources necessary to provide ongoing support for such education technology efforts;

(4) Research and evaluation information for use in the development of a technology system for use in the classroom;

(5) Collaborative approaches between public and private organizations to support such efforts; and

(6) Applications of educational technology designed to improve the teaching process; and

(7) Potential funding mechanisms.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 466. Introduced by Rasmussen, 20.

PURPOSE: The purpose of this study is to identify and provide recommendations regarding policies affecting the financial and emotional support of children of divorced parents. This study shall include, but not be limited to, an examination of the following:

(1) National child access demonstration sites;

(2) Administrative procedures for addressing noncompliance with visitation;

(3) Nebraska laws and the laws of surrounding states regarding enforcement of visitation orders; and

(4) The process for establishing child support rates by an examination of the roles of the courts and the Department of Social Services in the establishment of such rates.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 467. Introduced by Rasmussen, 20.

PURPOSE: The purpose of this resolution is to study recent and expected advances in human genetic information and technology, including their current and potential application in Nebraska. This study shall include, but not be limited to, an examination of the following:

(1) The progress of the federally funded Human Genome Initiative to identify and map every one of the estimated 100,000 human genes;

(2) An analysis of ethical, legal, and social issues resulting from genetic technology and identification of eventual treatment of genetic diseases;

(3) Policy issues at different levels of government;

(4) Prudent management of personal and confidential genetic information that will be made available as a result of advances in genetic technology;

(5) Potential effects of availability of information on the relationship between employer and employee, insurer and insured, and persons with disabilities and those persons without disabilities; and

(6) Recommendations of specific public education, regulations, and legislation that may be needed at the state level to assure that such information and technology is used safely and effectively for the benefit of all Nebraskans.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 468. Introduced by Rasmussen, 20.

PURPOSE: The purpose of this study is to examine the issues surrounding the use of nurse practitioners to provide primary health care to Nebraska residents. The study shall include, but not be limited to, an examination of:

(1) Whether the current system of requiring practice agreements between nurse practitioners and physicians has prevented nurse practitioners from finding practice agreements;

(2) Whether the current requirements relating to physician supervision and collaboration are necessary to provide quality health care;

(3) Whether the current nurse practitioner law adversely affects access to primary care in rural communities;

(4) Whether allowing nurse practitioners to practice independently would address an unmet need for primary care services;

(5) Whether the scope of practice for nurse practitioners can be sufficiently well-defined to permit independent practice while ensuring regulatory oversight and quality of care;

(6) Whether there are arrangements whereby the medical profession could continue to participate in the oversight of independent nurse practitioners in the absence of a practice agreement; and

(7) Whether there are methods or arrangements which would ensure the integration and coordination of independent nurse practitioners into the existing health care delivery system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 469. Introduced by Rasmussen, 20; Day, 19.

PURPOSE: The purpose of this resolution is to examine the problems and complexities regarding the adoption process in Nebraska. This study shall include, but not be limited to, an examination of the following:

(1) The licensing process for child placement agencies;

(2) Grandparents' role and order of preference in the adoption process;

(3) The time within which a father may claim paternity prior to adoption proceedings;

(4) Permanency placement studies;

(5) Adequacy of pre-adoption and post-adoption services;

(6) The psychological and social needs of birthparents, adoptive parents, and adoptees;

(7) Existing statutes relating to adoption;

(8) The process of pre-adoption and post-adoption placement interviews; and

(9) Barriers to adoption.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 470. Introduced by Wesely, 26; Beutler, 28.

PURPOSE: To examine the feasibility of creating a Neuroscience Institute at the University of Nebraska Medical Center. This study shall include a review of potential sources of funding available for the clinical treatment and research of Parkinson's disease and other movement disorders. The study shall also ascertain what is required for the University of Nebraska Medical Center to be designated as a Center for Excellence by the National Parkinson's Foundation. In addition, the study shall review the benefit of establishing a state registry of persons diagnosed with Parkinson's disease which would provide data that would aid in research.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 471. Introduced by Wesely, 26.

PURPOSE: The purpose of this study is to continue the study of the 1992 and 1993 interims concerning an examination of the general licensure laws in Nebraska governing the various Boards of Examiners within the Department of Health. The study shall examine areas where there can be uniformity among the various health care professions licensed, certified, and registered in Nebraska and make recommendations that will facilitate uniformity and simplification. The study shall also include a review of the fees charged health care professionals who are licensed, certified, or registered by the Department of Health. The current system is based on the number of individuals regulated in a particular health-care-related profession. The result is that professions with large numbers of members have lower fees than professions with fewer members who may have less ability to pay. The study should also examine whether fees charged should be based on the benefit to the public derived from the regulation of the various health-care-related professions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 472. Introduced by Wesely, 26.

PURPOSE: To examine the Department of Roads project fund allocation procedure and project priority formula or procedure.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 473. Introduced by Day, 19.

PURPOSE: The purpose of the study is to review the criteria currently utilized in the Nebraska Regulation of Health Professions Act (known as the 407 process) for changes in the scopes of practice of the various health care professions in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 474. Introduced by Vrtiska, 1.

PURPOSE: The future of our state's agriculture industry, particularly the livestock industry, is of vital interest to Nebraska's economic picture. The policy contained in Initiative 300, passed by the voters in 1982, plays an important role in the financial organization and stability of our state's farm economy, and the Legislature has not studied the effects of this policy in recent sessions.

The purpose of this study is to:

1. Examine the positive and negative impacts that the provisions of Initiative 300, passed in 1982, have had on the state's agriculture industry, particularly the state's livestock industry, and including agricultural-related businesses located in the state;

2. Examine the need for clarification of the provisions of Initiative 300 with respect to the formation of limited family partnerships and other similar legal entities; and

3. Make any appropriate recommendations regarding the issues contained in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 475. Introduced by Wesely, 26; Bohlke, 33; Abboud, 12.

PURPOSE: To examine student employment and its affect on education in Nebraska, to look at the current Nebraska child labor laws for possible changes or modification, and to determine if the extent of student employment in Nebraska has a deleterious affect on their education and if so what changes would be necessary to ameliorate the situation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee and the Business and Labor Committee be jointly designated to conduct an interim study to carry out the purposes of this resolution.

2. That members of the business community and educators be included in the design and implementation of the interim study.

3. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SPEAKER WITHEM PRESIDING

SELECT FILE

LEGISLATIVE BILL 991. The Bohlke-Withem pending amendment, AM4206, found in the Journal on page 1577 and considered in this day's Journal, was renewed.

Mrs. Rasmussen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Bohlke-Withem amendment was adopted with 28 ayes, 3 nays, 17 present and not voting, and 1 excused and not voting.

Mr. Ashford withdrew his amendment, FA471, found in the Journal on page 1447.

Mr. Bernard-Stevens moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Mr. Schellpeper requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 29 ayes, 11 nays, 8 present and not voting, and 1 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 476. Introduced by Day, 19.

PURPOSE: To study the makeup and the functions of the State Board of Health. The study shall identify and examine each of the major functions of the State Board of Health and identify how the board discharges each function and interrelates with the Department of Health in discharging each function. The study shall include a recommendation as to the most desirable makeup of the State Board of Health, based on equitable representation of regulated professions and occupations, as well as the board's ability to operate and discharge its statutory functions in the most efficient and effective means possible.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 477. Introduced by Pedersen, 39; Lindsay, 9.

PURPOSE: The purpose of this resolution is to study the Correctional Industries program within the Department of Correctional Services. The study shall address the following issues:

1. An analysis of the history and evolution of prison industries in this state from its inception, to include an analysis of the current status of the program. The analysis shall provide the committee with information relating to the number of inmates employed, the products and services sold through the program, and the major problems and successes, from both a fiscal and a human relations and development perspective, which were experienced by Correctional Industries over the years;

2. An analysis of the effectiveness of the Correctional Industries programs and objectives, to include, but not be limited to, an analysis of the quality and competitiveness of Correctional Industries products and services;

3. An analysis of the effect participation in Correctional Industries may have upon inmates, with an emphasis on work program availability, recidivism, and institutional discipline; and

4. An analysis of Nebraska statutes and Nebraska and United States Supreme Court decisions which affect the Correctional Industries program. Such analysis shall include recommendations for legislation for 1995 to address the needs associated with this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature in cooperation with the Department of Correctional Services and the Department of Administrative Services shall be designated to conduct an interim study to carry out the purposes of this resolution. The committee shall also seek the assistance of representatives of labor and private industry to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 478. Introduced by Pedersen, 39.

PURPOSE: The purpose of this resolution is to examine the feasibility of the privatization of prisons in the State of Nebraska. The study shall include, but not be limited to, the following issues:

(1) An assessment of the impact of the privatization of correctional facilities upon the state's criminal justice system;

(2) A compilation and summary of the experiences of other states which are currently using private prisons;

(3) An assessment and comparison of the operation of a private prison, including analyses of the fiscal impact of privatization in other states;

(4) An analysis of the advantages and limitations of privatization, with an emphasis on performance, quality, public support, and overall effectiveness;

(5) An analysis of any litigation which has resulted from privatization in other states, to include a comprehensive examination of the liability and contractual issues associated with the concept of privatization; and

(6) The potential cost savings that privatization may have on the Department of Correctional Services and the state, any financial incentives or proposals that may be offered by the department, and

what economic impact privatization may have on other communities where privatized facilities may be located by the department.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 479. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Elmer, 38; Haberman, 44; Hartnett, 45; Hudkins, 21; Robinson, 16; Will, 8.

PURPOSE: In 1988, the United States Congress passed the Indian Gaming Regulatory Act, which requires an Indian tribe to establish a compact with the state in order to conduct Class III games on tribal lands. Class III games include casino games, slot machines, and electronic and video gaming devices. In the 1993 session the Legislature passed LB 231, which required the Governor to negotiate in good faith with any Indian tribe which seeks a compact to conduct Class III gaming activity on Indian lands. There are a number of concerns which have been raised in response to that process. This study is intended to examine the following issues:

1. The extent that tribal gaming activities can provide economic development on Indian reservations;

2. Tribal sovereignty and the rights of Indian tribes regarding gaming on tribal lands;

3. The economic and social impact of tribal gaming activities on nearby communities;

4. The level of support for tribal gaming in nearby communities;

5. The impact of tribal gaming activities on other forms of gaming currently permitted in the state;

6. Methods by which mutual interests of Nebraska Indian tribes, the state, and nearby communities may be achieved; and

7. Any other issues necessary for a thorough examination of this matter.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 480. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 38; Haberman, 44; Hartnett, 45; Hudkins, 21; Robinson, 16; Will, 8.

PURPOSE: There have been a number of reports of unregulated gaming in the State of Nebraska. The types of games involved include games in which animals determine a winner and games in which toys are floated down a stream to determine a winner. There have also been reports of casino nights conducted by charitable organizations, video amusement devices which provide payoffs in cash or other items of value, and various types of sports wagering across the state. This study is intended to examine the extent of unregulated gaming in Nebraska, the extent that such gaming is in violation of current law, and appropriate legislative responses to these issues. This study shall include, but not be limited to, the following:

1. Information provided by the Department of Revenue;
2. Information provided by the Nebraska State Patrol, local law enforcement officials, or other public officials;
3. Reports from members of the public;
4. Whether particular activities are in violation of the law;
5. Whether additional enforcement measures are warranted;
6. Appropriate legislative responses to the issues raised; and
7. Any other matters necessary or appropriate to a thorough examination of these issues.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 481. Introduced by Beutler, 28.

PURPOSE: To examine the Nebraska School Activities Association. Such study shall include a review of the rules and regulations provided by the association that govern extracurricular activities of students in Nebraska schools, the procedures to implement these rules and regulations, and the equity by which they are administered.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 482. Introduced by Bromm, 23; Fisher, 35; Wickersham, 49; Bohlke, 33; McKenzie, 34; Avery, 3; Vrtiska, 1; Crosby, 29; Janssen, 15; Jones, 43; Dierks, 40; Coordsen, 32; Hall, 7; Hudkins, 21; Wehrbein, 2.

PURPOSE: The purpose of this study is to create an interim study committee to carry out the following objectives and duties:

(1) To study the tax structure in the State of Nebraska with emphasis on determining inequities of the present tax structure and making recommendations, if any, for proposed changes to the existing method of taxation within the State of Nebraska; and

(2) To evaluate the method of financing the public school system in the State of Nebraska and determine what changes, if any, should be made to achieve equity in providing financial support for educating students throughout the State of Nebraska.

This study is needed because property taxes in Nebraska have increased to the level of creating a heavy financial burden for many property owners; public concern regarding the level of property taxes has manifested itself in various petition drives to eliminate or reduce property taxes for the support of the public school system as well as local government; and the method and equity of financing public schools as well as the ability of districts to financially provide a comparable education throughout the state has been and continues to be of great concern.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a twelve-member committee shall be designated to conduct an interim study to carry out the purposes of this resolution. The committee shall be appointed by the Executive Board of the Legislative Council and shall be comprised of four senators primarily from urban areas of the State of Nebraska, four senators primarily from rural areas, and four individuals with interest and expertise in taxation and school finance.

2. That the committee shall upon the conclusion of its study make a report of its findings to the Legislative Council or Legislature on or before January 4, 1995, together with recommendations for legislative changes to implement the findings of the committee.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 483. Introduced by McKenzie, 34.

PURPOSE: To examine the need for continued or additional funding to carry out the responsibilities under the Ethanol Development Act. The study may include, but shall not be limited to, the review of the role and mission of the Nebraska Ethanol Board, the amount and source of funds for the Ethanol Production Incentive Cash Fund, existing programs, promotion, and market development. Committee hearings held as a result of this study shall be conducted in areas of the state which are in close proximity to ethanol production plants.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 484. Introduced by McKenzie, 34.

PURPOSE: The purpose of this resolution is to study the feasibility and options for providing elementary planning time. The expanded role of the elementary educator includes, but is not limited to, planning whole school curriculum, involvement in collaborative support and professional growth, and involvement in school improvement and restructuring efforts. The needs of students, along with learning skills for a changing curriculum, require active participation by educators to increase student performance. The expanded role of the elementary educator, along with the day-to-day duties of classroom maintenance, lesson planning, and conferencing has led to increased intensification of work. There is a need to study options for the use of elementary educator time to increase student and school performance.

The goals of the study are to:

(1) Develop a common understanding of the definition of plan time;

(2) Develop options for the use of plan time for short-term and long-term teaching objectives and their impact on student performance;

(3) Develop options for the use of plan time as it relates to staff development, school restructuring, and the school day and school year;

(4) Review the statutory and rule requirements which may impact on plan time;

(5) Review the costs of plan time; and

(6) Review the equity issues relative to plan time available to educators of different instructional levels, different school district sizes, and different geographical areas.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 485. Introduced by McKenzie, 34.

PURPOSE: To study the adequacy of guidance counseling services in public elementary schools.

(1) Elementary guidance counselors work with children, parents, and communities to address the special academic and emotional needs of students which may impede their growth and development. Among other issues, guidance counselors help students and their families address:

(a) Academic underachievement and methods to help students reach their full potential;

(b) Substance abuse and prevention;

(c) Proper assessment and identification of special needs;

(d) Cultural differences and awareness; and

(e) Access to developmentally appropriate programs or services to meet student needs.

(2) The study shall also reference current research and develop information to address the following factors:

(a) The effectiveness of elementary guidance counseling in reducing the student dropout rate, substance use and abuse, and behavioral problems;

(b) The availability of guidance counselors in the public elementary schools of the state, which shall include current counselor to student ratios in the public elementary schools;

(c) Counselors and the endorsements which are needed for the effective performance of guidance counselor duties;

(d) An estimate of the cost of expansion of elementary guidance counselors in the schools as compared to the projected costs for social services and corrections which may be needed if problems are not addressed at an early stage of development;

(e) Options for the delivery of guidance counseling services in the public elementary schools, including, but not limited to, the use of educational service units, school district cooperatives, and contracts for guidance counseling services with public or private agencies;

(f) The availability of appropriate programs for the education and credentialing of guidance counselors; and

(g) Methods for funding an expansion of guidance counselors in the public elementary schools.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 486. Introduced by Beutler, 28.

PURPOSE: To study the issue of allocating the commercial fertilizer fee imposed by section 77-4401 to programs and projects related to natural resources and the environment. The study shall also include an examination of pricing of commercial fertilizers and other agricultural chemicals.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 487. Introduced by Bernard-Stevens, 42.

PURPOSE: To study the idea of allowing the Department of Social Services to represent children who are status offenders or who have been abused. More specifically, to study the proposition that the department be allowed to file petitions representing a juvenile as described in subdivision (3) of section 43-247.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee in conjunction with the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Ms. Schimek, Messrs. Preister, Vrtiska, and Bromm asked unanimous consent to print the following amendment to LB 1364 in the Journal. No objections. So ordered.

AM4194

1. On page 2, after line 11 insert:
"Claim No. 94-063, against the Legislature, Gus Pick, c/o Tom Stine, 10810 Harney St. Suite 103, Omaha, NE. 68154-3272 5,034.22".
2. On page 3, line 3, strike "28,571.39" and insert "33,605.61"; and in line 5 strike "29,771.39" and all amendments thereto and insert "37,135.36".

SELECT FILE

LEGISLATIVE BILL 1045. Mr. Wesely withdrew his amendment, AM3938, found in the Journal on page 1318.

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler renewed his pending amendment, AM4065, found in the Journal on page 1552.

Messrs. Robinson, Kristensen, Haberman, and Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Beutler amendment lost with 5 ayes, 18 nays, 20 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 1122. Placed on General File as amended.
Standing Committee amendment to LB 1122:

AM3978

1. Strike original sections 1 and 2 and insert the following new sections:

"Section 1. That section 66-1518, Revised Statutes Supplement, 1993, be amended to read as follows:

66-1518. (1) The Environmental Quality Council shall adopt and promulgate rules and regulations regarding the form and procedure for applications for payment or reimbursement from the fund, procedures for investigation of claims for payment or reimbursement, procedures for determining the amount and type of costs that are eligible for payment or reimbursement from the fund, procedures for auditing persons who have received payments from the fund, and other provisions necessary to carry out the Petroleum Release Remedial Action Act.

(2) The department shall make available to the public a current schedule of reasonable rates for equipment, services, material, and personnel commonly used for remedial action. The department shall apply the schedule of reasonable rates in reviewing all costs for the remedial action which are submitted in a plan. The rates shall be used to determine the amount of reimbursement for the eligible and reasonable costs of the remedial action, except that the reimbursement for the costs of the remedial action shall not exceed the actual eligible and reasonable costs incurred by the responsible person or his or her designated representative.

(3) The department, in consultation with interested parties, shall report to the Legislature at the beginning of every third year during which the fund is in existence on the availability of private insurance to insure the damages for which payment may be made from the fund.

Sec. 2. That section 66-1525, Revised Statutes Supplement, 1993, be amended to read as follows:

66-1525. (1) Any responsible person or his or her designated representative who has taken remedial action in response to a release first reported after July 17, 1983, and on or before December 31, 1998, or against whom there is a third-party claim may apply to the department under the rules and regulations adopted and promulgated pursuant to section 66-1518 for reimbursement for the costs of the remedial action or third-party claim. Partial payment of such reimbursement to the responsible person may be authorized by the department at the approved stages prior to the completion of remedial action when a remedial action plan has been approved. Such partial payment may include the eligible and reasonable costs of such plan or pilot projects conducted during the remedial action.

(2) No reimbursement may be made unless the department makes the following eligibility determinations:

(a) The tank was in substantial compliance with any rules and regulations of the United States Environmental Protection Agency, the State Fire Marshal, and the department which were applicable to the tank. Substantial compliance shall be determined by the department taking into consideration the purposes of the Petroleum Release Remedial Action Act and the adverse effect that any violation of the rules and regulations may have had on the tank thereby causing or contributing to the release and the extent of the remedial action thereby required;

(b) Either the State Fire Marshal or the department was given notice of the release in substantial compliance with the rules and regulations adopted and promulgated pursuant to the Environmental Protection Act and the Petroleum Products and Hazardous Substances Storage and Handling Act. Substantial compliance shall be determined by the department taking into consideration the purposes of the Petroleum Release Remedial Action Act and the adverse effect that any violation of the notice provisions of the rules and regulations may have had on the remedial action being taken in a prompt, effective, and efficient manner;

(c) The responsible person reasonably cooperated with the department and the State Fire Marshal in responding to the release;

(d) The department has approved the plan submitted by the responsible person for the remedial action in accordance with rules and regulations adopted and promulgated by the department pursuant to the Environmental Protection Act or the Petroleum Products and Hazardous Substances Storage and Handling Act or that portion of the plan for which payment or reimbursement is requested;

(e) The costs for the remedial action were actually incurred by the responsible person or his or her designated representative after May 27, 1989, and were eligible and reasonable;

(f) If reimbursement for a third-party claim is involved, the cause of action for the third-party claim accrued after April 26, 1991, and the Attorney General was notified by any person of the service of summons for the action within ten days of such service; and

(g) The responsible person or his or her designated representative has paid the amount specified in subsection (1) or (2) of section 66-1523.

(3) The State Fire Marshal shall review each application prior to consideration by the department and provide to the department any information the State Fire Marshal deems relevant to subdivisions (2)(a) through (g) of this section. The department shall notify the responsible person of its approval or denial of the remedial action plan

within one hundred twenty days after receipt of a remedial action plan which contains all the required information. If after one hundred twenty days the department fails to either deny, approve, or amend the remedial action plan submitted, the proposed plan shall be deemed approved. If the remedial action plan is denied, the department shall provide the reasons for such denial.

(4) The department may withhold taking action on an application during the pendency of an enforcement action by the state or federal government related to the tank or a release from the tank.

(5) Reimbursements made for a remedial action may be reduced as much as one hundred percent for failure by the responsible person to comply with applicable statutory or regulatory requirements. In determining the amount of the reimbursement reduction, the department shall consider:

(a) The extent of and reasons for noncompliance;

(b) The likely environmental impact of the noncompliance; and

(c) Whether noncompliance was negligent, knowing, or willful.".

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Avery, Bromm, Elmer, Preister, Jones, Matzke, and Mrs. Bohlke asked unanimous consent to print the following amendment to LB 1031 in the Journal. No objections. So ordered.

AM4050

1. Insert the following new sections:

"Section 1. That section 66-1518, Revised Statutes Supplement, 1993, be amended to read as follows:

66-1518. (1) The Environmental Quality Council shall adopt and promulgate rules and regulations regarding the form and procedure for applications for payment or reimbursement from the fund, procedures for investigation of claims for payment or reimbursement, procedures for determining the amount and type of costs that are eligible for payment or reimbursement from the fund, procedures for auditing persons who have received payments from the fund, and other provisions necessary to carry out the Petroleum Release Remedial Action Act.

(2) The department shall make available to the public a current schedule of reasonable rates for equipment, services, material, and personnel commonly used for remedial action. The department shall apply the schedule of reasonable rates in reviewing all costs for the remedial action which are

submitted in a plan. The rates shall be used to determine the amount of reimbursement for the eligible and reasonable costs of the remedial action, except that the reimbursement for the costs of the remedial action shall not exceed the actual eligible and reasonable costs incurred by the responsible person or his or her designated representative.

(3) The department, in consultation with interested parties, shall report to the Legislature at the beginning of every third year during which the fund is in existence on the availability of private insurance to insure the damages for which payment may be made from the fund.

Sec. 2. That section 66-1525, Revised Statutes Supplement, 1993, be amended to read as follows:

66-1525. (1) Any responsible person or his or her designated representative who has taken remedial action in response to a release first reported after July 17, 1983, and on or before December 31, 1998, or against whom there is a third-party claim may apply to the department under the rules and regulations adopted and promulgated pursuant to section 66-1518 for reimbursement for the costs of the remedial action or third-party claim. Partial payment of such reimbursement to the responsible person may be authorized by the department at the approved stages prior to the completion of remedial action when a remedial action plan has been approved. Such partial payment may include the eligible and reasonable costs of such plan or pilot projects conducted during the remedial action.

(2) No reimbursement may be made unless the department makes the following eligibility determinations:

(a) The tank was in substantial compliance with any rules and regulations of the United States Environmental Protection Agency, the State Fire Marshal, and the department which were applicable to the tank. Substantial compliance shall be determined by the department taking into consideration the purposes of the Petroleum Release Remedial Action Act and the adverse effect that any violation of the rules and regulations may have had on the tank thereby causing or contributing to the release and the extent of the remedial action thereby required;

(b) Either the State Fire Marshal or the department was given notice of the release in substantial compliance with the rules and regulations adopted and promulgated pursuant to the Environmental Protection Act and the Petroleum Products and Hazardous Substances Storage and Handling Act. Substantial compliance shall be determined by the department taking into consideration the purposes of the Petroleum Release Remedial Action Act and the adverse effect that any violation of the notice provisions of the rules and regulations may have had on the remedial action being taken in

a prompt, effective, and efficient manner;

(c) The responsible person reasonably cooperated with the department and the State Fire Marshal in responding to the release;

(d) The department has approved the plan submitted by the responsible person for the remedial action in accordance with rules and regulations adopted and promulgated by the department pursuant to the Environmental Protection Act or the Petroleum Products and Hazardous Substances Storage and Handling Act or that portion of the plan for which payment or reimbursement is requested;

(e) The costs for the remedial action were actually incurred by the responsible person or his or her designated representative after May 27, 1989, and were eligible and reasonable;

(f) If reimbursement for a third-party claim is involved, the cause of action for the third-party claim accrued after April 26, 1991, and the Attorney General was notified by any person of the service of summons for the action within ten days of such service; and

(g) The responsible person or his or her designated representative has paid the amount specified in subsection (1) or (2) of section 66-1523.

(3) The State Fire Marshal shall review each application prior to consideration by the department and provide to the department any information the State Fire Marshal deems relevant to subdivisions (2)(a) through (g) of this section. The department shall notify the responsible person of its approval or denial of the remedial action plan within one hundred twenty days after receipt of a remedial action plan which contains all the required information. If after one hundred twenty days the department fails to either deny, approve, or amend the remedial action plan submitted, the proposed plan shall be deemed approved. If the remedial action plan is denied, the department shall provide the reasons for such denial.

(4) The department may withhold taking action on an application during the pendency of an enforcement action by the state or federal government related to the tank or a release from the tank.

(5) Reimbursements made for a remedial action may be reduced as much as one hundred percent for failure by the responsible person to comply with applicable statutory or regulatory requirements. In determining the amount of the reimbursement reduction, the department shall consider:

(a) The extent of and reasons for noncompliance;

(b) The likely environmental impact of the noncompliance; and

(c) Whether noncompliance was negligent, knowing, or

willful.".

2. On page 18, line 22, strike "section" and insert "sections 66-1518, 66-1525, and"; and in line 23 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 488. Introduced by Wesely, 26; McKenzie, 34; Withem, 14; Rasmussen, 20; Bohlke, 33.

PURPOSE: The purpose of the study is to examine programs and services for children and families in Nebraska. The study shall include an examination of the recommendations and proposals of various public and private initiatives and studies currently underway in Nebraska concerning children and their families. The study shall make recommendations regarding how to integrate, plan, strengthen and coordinate health care, education, and social services in communities for children and families. The study shall also evaluate how welfare reform will affect children and families.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a Special Committee on Children and Families shall be designated to carry out the purposes of this study resolution.

2. The special committee shall be made up of the Chairpersons and the Vice-chairpersons of the Health and Human Services Committee and the Education Committee, the Speaker of the Legislature, and three additional members of the Legislature selected by the Executive Board.

3. The Special Committee on Children and Families shall be staffed by the Legislative Research Office and others as appropriate.

4. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature. These shall include a recommendation as to the continuation of the Special Committee on Children and Families after the 1994 interim.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 489. Introduced by Wesely, 26.

PURPOSE: To create the Homestead Exemption Study Committee. The committee shall consist of the Chairperson of the Revenue Committee of the Legislature, the Chairperson of the Health and Human Services Committee of the Legislature, the Chairperson of the Appropriations Committee of the Legislature, and the Chairperson of the Urban Affairs Committee of the Legislature. The committee shall also utilize the services and resources of the appropriate state government agencies and departments.

The committee shall study and submit a report on whether the exemption amount established in statute for the homestead exemption is adequate to meet the philosophy of the homestead exemption program, whether the definition of household income is adequate to meet the needs and philosophy of the program, the appropriateness of a declining scale of income for purposes of determining the amount of exemption, eligibility requirements, and possible adjustments to determine eligibility for the program, and administrative questions such as enforcement of and disqualification for the program. The report shall include recommendations for administrative and statutory changes deemed necessary by the committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Homestead Exemption Study Committee be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Homestead Exemption Study Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 490. Introduced by Hall, 7; Lindsay, 9; Beutler, 28; Fisher, 35; Abboud, 12; Will, 8; Pedersen, 39.

PURPOSE: The purpose of this resolution is to examine the impact on Nebraska's criminal justice system, including the Department of Correctional Services, from the repeal of section 83-1,105 contained in Laws 1993, LB 529. The study may include an examination of the impact on the number of cases requiring trials and the costs of those cases for prosecution, indigent defense, courts, probation, and the Department of Correctional Services. Specifically, the study should include an examination of the effect of the legislation on the Department of Correctional Services' inmate population and any costs associated with increased incarceration as a result of the repeal. The study should also include an examination of any sentencing disparity by gender, race, or geographical region of the state. The study should also include the examination of an ongoing method of collecting such information and reporting such information to the Legislature on an annual basis.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 491. Introduced by Beutler, 28; Lindsay, 9.

PURPOSE: To study the allocation of judicial resources among the county court, district court, and juvenile court districts in the State of Nebraska, to examine the methods of compiling and reporting judicial work load statistics, to review the processes and decisions of the Judicial Resources Commission, and to determine the need for the Judicial Resources Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 492. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Crosby, 29; Hillman, 48; Wehrbein, 2.

PURPOSE: The purpose of this study is to examine the use of job training funds. This study shall consider: (a) Existing job training grant eligibility criteria established in statute and internally; (b) exploring the establishment of more extensive statutory eligibility criteria; (c) the use of the job training grants for business and industry expansions and for industrial recruitment purposes; and (d) funding sources available for the job training grant program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 493. Introduced by Appropriations Committee: Moore, 24, Chairperson; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Crosby, 29; Hillman, 48; Wehrbein, 2.

PURPOSE: The purpose of this study is to examine the budget development process that leads to the formulation of the Appropriations Committee budget recommendations which are submitted to the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 494. Introduced by Elmer, 38.

PURPOSE: The purpose of this resolution is to authorize a study and review regarding the necessity of legislation to require the registration and licensing of collision repair shops in Nebraska.

WHEREAS, the legislature had this issue before it in the form of Legislative Bill 1286, Ninety-third Legislature, Second Session, 1993;

WHEREAS, many states have provided for the registration and licensing of collision repair shops;

WHEREAS, the protection of the motoring public is of concern to the citizens of Nebraska who seek to have their vehicles repaired by collision repair shops;

WHEREAS, federal regulations and legislation have been enacted to prevent the theft of motor vehicles, and to provide for the registration of vehicle identification numbers on a national system;

WHEREAS, the insurance industry plays a significant role in the repair of damaged motor vehicles utilizing the collision repair industry in Nebraska; and

WHEREAS, the Legislature can determine the necessity of legislation through an interim study of the registration and licensing of collision repair shops in Nebraska, including the review of Legislative Bill 1286, Ninety-third Legislature, Second Session, 1993.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. The Nebraska Legislature conduct an interim study regarding the necessity of legislation to address the registration and licensing of collision repair shops and the protection of the owners of motor vehicles in Nebraska.

2. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study resolution to carry out the purposes of the Resolution.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 495. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Byars, 30; Day, 19; Dierks, 40; Matzke, 47; Rasmussen, 20; Vrtiska, 1.

PURPOSE: To study human service and health status issues. The State of Nebraska is affected fiscally and socially by the need for and provision of human service programs and by the health status of its citizens. The human service and health status issues shall include, but not be limited to, cost containment for health care services, availability of health care providers, health care for the medically indigent, emergency service and trauma system development, maternal and infant care, mental health, developmental disabilities, substance abuse, poverty, welfare reform, regulation of new health professions, the comprehensive health insurance pool, rural health care availability, teenage pregnancy, child abuse, adult abuse, medicaid services, fees for licensure, the disabled persons and family support program, hunger, acquired immunodeficiency syndrome, sexual abuse of children, child care, the Nebraska Mental Health Commitment Act, and certificate of need. These issues have been reviewed but need continued review by the Legislature to determine the appropriate legislative responses. In addition, the study shall include ways to expand the utilization of mid-level practitioners in Nebraska, the future of the regional centers in Nebraska, and an analysis of the benefits of adding the rehabilitation option to the medicaid program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE RESOLUTION 337. Reported to the Legislature for further consideration with the following amendment:
AM4158

1. Strike the original resolution and insert the following new resolution:

"WHEREAS, the Hardin Farms, Inc., wishes to convey to the Game and Parks Commission property located in Cherry County, Nebraska, which will be maintained as an addition to Smith Falls State Park for public outdoor recreation activities; and

WHEREAS, the Game and Parks Commission has the general authority to acquire real estate by gift with the consent of the Governor; and

WHEREAS, in the interest of promoting outdoor opportunities for Nebraskans, the Legislature wishes to grant approval for the Game and Parks Commission to obtain title to that property being conveyed by the Hardin Farms, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature approves the gift from the Hardin Farms, Inc. to the Game and Parks Commission of all of the real estate described as:

That part of the northeast quarter of section 25, township 34 north, range 26 west of the 6th principal meridian, lying west of the east line of said quarter, south of the fence on the south side of the county road, and north and east of the center line of the Niobrara River and containing 34.0 acres, more or less.

2. That such approval is granted with the understanding that (a) the property shall be surveyed and the description from the survey shall be included on the deed conveying the property to the Game and Parks Commission and (b) the property described shall be designated and utilized as an addition to Smith Falls State Park.".

(Signed) Chris Beutler, Chairperson

VISITORS

Visitors to the Chamber were 17 first and second grade students and sponsor from Monroe Public School; and Martin, Krysti, Chad, Shaun, and Ericka Nienhueser from Sidney.

The Chair introduced a group from the Nebraska Association of Former State Legislators.

The Doctor of the Day was Mark Butler from Lincoln.

ADJOURNMENT

At 5:10 p.m., on a motion by Mr. Dierks, the Legislature adjourned until 9:00 a.m., Thursday, March 31, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-FIRST DAY - MARCH 31, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 31, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Father David Smith, Creighton Jesuit Community, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Avery, Bromm, Coordsen, Haberman, Landis, Lindsay, Matzke, Monen, Robinson, Will, Mmes. Bohlke, Hillman, and Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fiftieth day was approved.

UNANIMOUS CONSENT - Members Excused

Messrs. Chambers and Engel asked unanimous consent to be excused until they return. No objections. So ordered.

CORRECTED STANDING COMMITTEE REPORT
Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Ethanol Board
Dan Hughes
Ron Stoddard
Clinton K. Jensen
J. Patrick Hillebrandt
Gary S. Goldberg
Toby Dellamano

VOTE: Aye: Senators Beutler, Bohlke, Elmer, Jones, McKenzie, and Preister. Absent: Senators Bromm and Monen.

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 1207 in the Journal. No objections. So ordered.

AM4236

(Amendments to AM4192)

1. On page 1, line 6, after "newspapers" insert "and newsprint" and after the underscored period insert "For purposes of this section, newsprint shall mean paper of the type generally used in the publication of newspapers, shoppers, or commercial advertising publications or inserts printed by the publisher, made primarily from mechanical woodpulps combined with some chemical woodpulp.".

MESSAGE FROM THE GOVERNOR

March 30, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Commission of Industrial Relations.

APPOINTEES:
David J. Cullan
Thomas H. DeLay

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

MOTION - Approve Appointments

Mr. Beutler moved the adoption of the report of the Natural Resources Committee for the following Governor appointments found in the Journal on page 1468 and corrected on page 1663: Dan Hughes, Ron Stoddard, Clinton K. Jensen, J. Patrick Hillebrandt, Gary S. Goldberg, and Toby Dellamano - Nebraska Ethanol Board.

Voting in the affirmative, 25:

Abboud	Crosby	Fisher	Matzke	Schmitt
Ashford	Cudaback	Hartnett	Moore	Vrtiska
Bernard-Stevens	Day	Janssen	Pedersen	Warner
Beutler	Dierks	Jones	Pirsch	Wehrbein
Byars	Elmer	Kristensen	Preister	Witek

Voting in the negative, 0.

Present and not voting, 10:

Hall	Lynch	Robak	Schimek	Wickersham
Hudkins	McKenzie	Schellpeper	Wesely	Withem

Excused and not voting, 14:

Avery	Chambers	Haberman	Lindsay	Robinson
Bohlke	Coordsen	Hillman	Monen	Will
Bromm	Engel	Landis	Rasmussen	

These appointments were confirmed with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Lindsay asked unanimous consent to be excused until he returns. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 884. With Emergency.

A BILL FOR AN ACT relating to limited liability companies; to amend sections 2-1816, 2-1825, 2-2406, 21-2070, 21-2071, 21-2075, 21-2076, 48-125.01, 54-726.04, 54-761, 54-1510, 54-1802, and 67-248.02, Reissue Revised Statutes of Nebraska, 1943, section 54-1603, Revised Statutes Supplement, 1992, and sections 1-157, 1-168, 2-1091.01, 2-2624, 2-2635, 2-5002, 8-1101, 8-1102, 8-1103, 8-1109, 8-1118, 8-1717.01, 9-1,104, 9-620, 9-642, 9-826, 9-834, 21-2601, 21-2602, 21-2605, 21-2606, 21-2610, 21-2611, 21-2612, 21-2614, 21-2615, 21-2619, 21-2620, 21-2621, 21-2622, 21-2628, 21-2631, 21-2632, 21-2634, 25-1081, 28-613, 29-1507, 30-2717, 37-101, 44-2821, 44-2824, 44-2837, 44-32,125, 44-5903, 48-115, 48-652, 48-1704, 49-1408, 54-1902, 54-2001, 59-812, 59-814, 59-1735, 59-1739, 60-348, 60-6,247, 60-6,291, 60-1411.02, 66-729, 67-251, 71-2023, 75-139.01, 75-909, 77-1201, 77-2730, 77-27,188.01, 77-27,194, 81-8,127, 88-543, and 88-545, Revised Statutes Supplement, 1993; to change provisions relating to limited liability companies; to require and provide for a registration certificate for limited liability companies providing professional services; to provide for and change fees; to provide for applicability to attorneys at law; to eliminate a tax and a tax credit; to provide merger and consolidation procedures; to correct internal references changed by Laws 1993, LB 121, section 347; to provide and change penalties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud	Crosby	Hudkins	Moore	Schimek
Ashford	Cudaback	Janssen	Pedersen	Schmitt
Avery	Day	Jones	Pirsch	Vrtiska
Bernard-Stevens	Dierks	Kristensen	Preister	Warner
	Elmer	Landis	Rasmussen	Wehrbein
Beutler	Fisher	Lynch	Robak	Wesely
Bromm	Hall	Matzke	Robinson	Wickersham
Byars	Hartnett	McKenzie	Schellpeper	Witek
Coordsen	Hillman			

Voting in the negative, 0.

Present and not voting, 1:

Withem

Excused and not voting, 7:

Bohlke	Engel	Lindsay	Monen	Will
Chambers	Haberman			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 913 to Select File

Mr. Abboud moved to return LB 913 to Select File for his specific amendment, AM4163, found in the Journal on page 1547.

The Abboud motion to return prevailed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 913. The Abboud specific amendment, AM4163, found in the Journal on page 1547, was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to E & R for reengrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 979. With Emergency.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-133, 8-147, 8-152, 8-164, 45-137, 45-138, 45-156, 45-334, 45-336, and 45-351, Reissue Revised Statutes of Nebraska, 1943, and sections 8-141, 8-148.04, and 45-101.04, Revised Statutes Supplement, 1993; to provide for deposit coverage by guaranty bond as prescribed; to change provisions relating to the determination of lending limits; to provide powers for banks as prescribed; to change the investment percentage for banks investing in community development corporations; to eliminate a provision relating to real estate loan limitations; to change provisions relating to bank dividends; to provide exceptions to limitations on interest rates; to provide requirements for loans secured solely by real estate; to require the return and cancellation of copies of loan and installment sales documents; to provide requirements for such copies; to provide for inspections, investigation, and examinations of

businesses, records, and accounts of sales finance companies; to provide for extensions and deferments under a retail installment contract and fees for such extensions and deferments as prescribed; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud	Crosby	Hudkins	Monen	Schimek
Ashford	Cudaback	Janssen	Pedersen	Schmitt
Avery	Day	Jones	Pirsch	Vrtiska
Bernard-Stevens	Dierks	Kristensen	Preister	Warner
Beutler	Elmer	Landis	Rasmussen	Wehrbein
Bromm	Fisher	Lynch	Robak	Wesely
Byars	Hall	Matzke	Robinson	Wickersham
Coordsen	Hartnett	McKenzie	Schellpeper	Witek
	Hillman			

Voting in the negative, 0.

Present and not voting, 2:

Moore Withem

Excused and not voting, 6:

Bohlke	Engel	Haberman	Lindsay	Will
Chambers				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 957.

A BILL FOR AN ACT relating to accountants; to amend sections 1-111 and 1-169, Reissue Revised Statutes of Nebraska, 1943, and sections 1-126, 1-133, 1-135, and 1-148, Revised Statutes Supplement, 1993; to provide for partial ownership of accounting firms by persons not licensed as accountants; to provide for rules and regulations; to change notice requirements to the Nebraska State Board of Public Accountancy regarding admission or withdrawal of a partner or member; to change provisions relating to and provide responsibilities for managers; to provide for the imposition and disposition of certain

costs and civil penalties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud	Coordsen	Hillman	McKenzie	Schmitt
Ashford	Crosby	Hudkins	Monen	Vrtiska
Avery	Day	Janssen	Pedersen	Warner
Bernard-Stevens	Dierks	Jones	Pirsch	Wehrbein
	Elmer	Kristensen	Preister	Wesely
Beutler	Fisher	Landis	Robak	Wickersham
Bromm	Hall	Lynch	Schellpeper	Witek
Byars	Hartnett	Matzke	Schimek	

Voting in the negative, 0.

Present and not voting, 5:

Cudaback	Moore	Rasmussen	Robinson	Withem

Excused and not voting, 6:

Bohlke	Engel	Haberman	Lindsay	Will
Chambers				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1083.

A BILL FOR AN ACT relating to motor vehicle rentals; to amend section 77-4501, Revised Statutes Supplement, 1993; to exempt certain renters from a fee on rentals; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Beutler	Cudaback	Hall	Jones
Ashford	Bromm	Day	Hartnett	Kristensen
Avery	Byars	Dierks	Hillman	Landis
Bernard-Stevens	Coordsen	Elmer	Hudkins	Lynch
	Crosby	Fisher	Janssen	Matzke

McKenzie	Preister	Schellpeper	Vrtiska	Wesely
Monen	Rasmussen	Schimek	Warner	Wickersham
Pedersen	Robak	Schmitt	Wehrbein	Witek
Pirsch	Robinson			

Voting in the negative, 0.

Present and not voting, 2:

Moore	Withem

Excused and not voting, 6:

Bohlke	Engel	Haberman	Lindsay	Will
Chambers				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 1364. Title read. Considered.

Standing Committee amendment, AM3951, found in the Journal on page 1353, was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Ms. Schimek, Messrs. Preister, Vrtiska, and Bromm renewed their pending amendment, AM4194, found in the Journal on page 1650.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 884, 979, 957, and 1083.

MRS. CROSBY PRESIDING

GENERAL FILE

LEGISLATIVE BILL 1364. The Schimek et al. pending amendment, AM4194, found in the Journal on page 1650 and considered in this day's Journal, was renewed.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Ms. Schimek moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The Schimek et al. amendment lost with 10 ayes, 25 nays, 11 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

SPEAKER WITHEM PRESIDING

Mrs. Bohlke offered the following amendment:
AM3957

1. On page 2, after line 11, insert the following:
"Claim No. 94-069, against Department of Public
Institutions, Gene Vandolah, 732 North
Minnesota, Hastings, NE 68901 1,240.72".

Messrs. Moore, Preister, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

The Bohlke amendment lost with 2 ayes, 16 nays, 25 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 901 in the Journal. No objections. So ordered.

AM4239
(Amendments to Standing Committee amendments, AM4019)

1. Insert the following new section:
"Sec. 4. Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of molds, dies, and patterns which have been specifically designed and fabricated to the special order of the customer. This exemption shall not include machinery, equipment, or tools to which molds, dies, and patterns have been connected or attached in order to be used for their intended purpose. For the purposes of this section, molds, dies, and patterns shall mean tools that are built specifically for a single product, which product is either injection molded from plastic or stamped from metals.".
2. On page 1, lines 5 and 6 strike "section 3" and insert "sections 3 and 4".

16 3. Renumber the remaining sections accordingly.

Messrs. Landis and Chambers asked unanimous consent to print the following amendment to LB 967 in the Journal. No objections. So ordered.

AM4220

(Amendments to Final Reading copy)

1 1. On page 9, line 6, strike "twenty" and insert
2 "fifteen".

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 31, 1994, at 10:45 a.m., were the following bills: 884, 979, 957, and 1083.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

NOTICE OF COMMITTEE HEARING
Transportation

Governor Appointments Tuesday, April 12, 1994 1:15 p.m.
Alvin Abramson - Director, Department of Motor Vehicles
Sharon D. Jackson - Board of Public Roads Classifications and Standards
Michael O. Fleming - Motor Vehicle Industry Licensing Board
Gary Warren - Commission on Information Technology

(Signed) Doug Kristensen, Chairperson

SELECT FILE

LEGISLATIVE BILL 480. E & R amendment, AM5608, found in the Journal on page 407, was adopted.

Mr. Beutler offered the following amendment:
AM4251

(Amendments to AM1889)

1 1. Insert the following new sections:
2 "Sec. 26. That section 46-673.14, Revised Statutes
3 Supplement, 1992, be amended to read as follows:
4 46-673.14. Prior to ~~July 1, 1993~~ January 1, 1996,
5 each district shall amend its ground water management plan to
6 identify to the extent possible the levels and sources of
7 ground water contamination within the area, ground water
8 quality goals, long-term solutions necessary to prevent the
9 levels of ground water contaminants from becoming too high and
10 to reduce high levels sufficiently to eliminate health

hazards, and practices recommended to stabilize, reduce, and prevent the occurrence, increase, or spread of ground water contamination. Notwithstanding the restrictions provided in section 46-673.13, each district may modify its plan to include (a) any agreements between the district and state or federal agencies entered into as part of the review process conducted pursuant to section 46-673.03 and (b) any conditions imposed by the director during such review process. If a special ground water quality protection area has been designated in a district as of September 6, 1991, the district shall not be required to amend its plan for the geographical area encompassed by the special protection area.

Sec. 27. That section 46-674, Revised Statutes Supplement, 1992, be amended to read as follows:

46-674. Sections 46-656 to 46-674.20 and sections 28 and 29 of this act shall be known and may be cited as the Nebraska Ground Water Management and Protection Act.

Sec. 28. (1) Any district which fails to comply with section 46-673.14 shall be ineligible to receive for fiscal year 1996-97 any funds appropriated pursuant to sections 77-27,136 and 77-27,137.02.

(2) Any district which fails to have an approved ground water management plan pursuant to sections 46-673.01 to 46-673.14 by January 1, 1996, shall become eligible to receive funds enumerated in subsection (1) of this section for any subsequent fiscal year if the district has an approved ground water management plan pursuant to sections 46-673.01 to 46-673.14 by the March 1 immediately preceding the start of such fiscal year.

Sec. 29. Each district shall, on or before January 1, 1997, begin implementation of an approved ground water management plan pursuant to sections 46-673.01 to 46-673.14 which specifically addresses ground water quality.

Sec. 30. That section 77-27,137.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,137.02. ~~The~~ Except as provided in section 46-673.14, the appropriation provided for in section 77-27,136 for aid to natural resources districts shall be distributed to the various natural resources districts of the state on the basis of the ratio of the total amount of property taxes levied by the particular natural resources district to the total amount of property taxes levied by all natural resources districts within the state based on amounts stated in the most recent certificate of taxes levied statement and schedules submitted by each county to the Tax Commissioner pursuant to section 77-1613.01. The Tax Commissioner shall determine the amount to be distributed to the various natural resources districts and certify such amounts by voucher to the Director of Administrative Services. Each amount shall be distributed

in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December 1, 1982, and each December thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification and vouchers, draw warrants against funds appropriated. The proceeds of the payments received by the various natural resources districts shall be credited to the general fund of the district.".

2. Renumber the remaining sections and correct the repealer accordingly.

The Beutler amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 480.

Pending.

LEGISLATIVE BILL 1101. E & R amendment, AM5692, found in the Journal on page 1114, was adopted.

Messrs. Abboud and Lynch offered the following amendment:
AM3751

1. On page 11, line 12, after the period insert "In the case of payment to an individual of primary insurance benefits under Title II of the Social Security Act, as amended, or similar payments under any act of Congress, the individual's contribution shall be taken into consideration and the weekly benefit amount shall not be reduced.".

Messrs. Abboud and Lynch withdrew their amendment.

Mr. Chambers moved to indefinitely postpone LB 1101.

Laid over.

LEGISLATIVE BILL 972. Mr. Lindsay withdrew his amendment, AM3657, found in the Journal on page 1105.

Messrs. Bernard-Stevens and Lindsay renewed their pending amendment, AM3942, found in the Journal on page 1324.

The Bernard-Stevens-Lindsay amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Fisher asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved to indefinitely postpone LB 972.

Pending.

LEGISLATIVE BILL 76. The Chambers pending amendment, AM4083, found in the Journal on page 1448, was renewed.

Mr. Bernard-Stevens renewed his pending amendment, AM4200, found in the Journal on page 1592, to the Chambers pending amendment.

Mr. Bernard-Stevens withdrew his amendment.

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 6 ayes, 0 nays, and 43 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Ashford	Landis	Rasmussen	Schellpeper	Wesely
Chambers	Lindsay	Robak	Schimek	Withem
Hall				

Voting in the negative, 13:

Bernard-Stevens	Dierks	Kristensen	Monen	Wickersham
	Engel	Lynch	Pirsch	Witek
Crosby	Hillman	Matzke	Warner	

Present and not voting, 19:

Abboud	Bromm	Day	Janssen	Schmitt
Avery	Byars	Elmer	Jones	Vrtiska
Beutler	Coordsen	Hartnett	McKenzie	Wehrbein
Bohlke	Cudaback	Hudkins	Robinson	

Excused and not voting, 6:

Fisher	Moore	Pedersen	Preister	Will
Haberman				

The Chambers amendment lost with 11 ayes, 13 nays, 19 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Avery renewed his pending motion, found in the Journal on page 1471, to reconsider the Beutler amendment, AM3596.

Messrs. Wesely, Hartnett, and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

MR. HALL PRESIDING

Mrs. Robak moved the previous question. The question is, "Shall the debate now close?" The motion lost with 13 ayes, 7 nays, and 29 not voting.

Mrs. Robak moved the previous question. The question is, "Shall the debate now close?"

Mr. Ashford moved for a call of the house. The motion prevailed with 14 ayes, 2 nays, and 33 not voting.

Ms. Schimek requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 25:

Abboud	Byars	Hillman	Matzke	Warner
Ashford	Coordsen	Hudkins	Robak	Wehrbein
Avery	Cudaback	Janssen	Schellpeper	Wickersham
Bohlke	Dierks	Jones	Schmitt	Witek
Bromm	Engel	Kristensen	Vrtiska	Withem

Voting in the negative, 10:

Beutler	Day	Lindsay	Pirsch	Schimek
Chambers	Landis	Monen	Rasmussen	Wesely

Present and not voting, 5:

Bernard-Stevens	Crosby	Hall	McKenzie	Robinson

Absent and not voting, 1:

Preister

Excused and not voting, 8:

Elmer	Haberman	Lynch	Pedersen	Will
Fisher	Hartnett	Moore		

The motion to cease debate prevailed with 25 ayes, 10 nays, 5 present and not voting, 1 absent and not voting, and 8 excused and not voting.

Mr. Avery requested a roll call vote on his motion to reconsider the Beutler amendment, AM3596.

Voting in the affirmative, 22:

Avery	Cudaback	Jones	Pirsch	Vrtiska
Bohlke	Dierks	Kristensen	Robak	Wehrbein
Bromm	Engel	Matzke	Schellpeper	Wickersham
Byars	Hudkins	McKenzie	Schmitt	Witek
Coordsen	Janssen			

Voting in the negative, 16:

Abboud	Beutler	Hillman	Monen	Warner
Ashford	Chambers	Landis	Rasmussen	Wesely
Bernard-Stevens	Day	Lindsay	Robinson	Withem
	Hall			

Present and not voting, 2:

Crosby Schimek

Absent and not voting, 1:

Preister

Excused and not voting, 8:

Elmer	Haberman	Lynch	Pedersen	Will
Fisher	Hartnett	Moore		

The Avery motion to reconsider lost with 22 ayes, 16 nays, 2 present and not voting, 1 absent and not voting, and 8 excused and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 981 in the Journal. No objections. So ordered.

AM4259

(Amendments to Standing Committee amendments, AM4039)

1. On page 1, line 14, strike "up to a maximum of" and insert "except that the district may establish maximum cost-share amounts of no less than"; in line 16 strike "which" through "of" and insert "and no less than"; and in line 17 after "dollars" insert "for hand-dug water wells".

2. On page 3, line 24, after the period insert "The commission also may establish maximum reimbursement amounts of no less than three hundred dollars for all water wells other than hand-dug water wells and no less than seven hundred dollars for hand-dug water wells.".

3. On page 15, line 20, strike "less than" and show as stricken; in line 21 after "minute" insert "or less"; in line 24 after "pump" insert "more than"; and in line 25 strike "or more." and insert an underscored period.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 30, 1994. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

There are no changes from last report.

MOTION - Adjournment

Mrs. Robak moved to adjourn until 9:00 a.m., Tuesday, April 5, 1994.

Mrs. Robak moved for a call of the house. The motion prevailed with 19 ayes, 5 nays, and 25 not voting.

Mrs. Robak requested a roll call vote on her motion to adjourn.

Voting in the affirmative, 16:

Bromm	Engel	Jones	Robak	Schmitt
Chambers	Hudkins	Matzke	Robinson	Vrtiska
Coordsen	Janssen	Pirsch	Schellpeper	Witek
Dierks				

Voting in the negative, 24:

Abboud	Avery	Bernard-	Beutler	Byars
Ashford		Stevens	Bohlke	Cudaback

Day	Landis	Monen	Schimek	Wesely
Hall	Lindsay	Preister	Warner	Wickersham
Hillman	McKenzie	Rasmussen	Wehrbein	Withem
Kristensen				

Present and not voting, 1:

Crosby

Excused and not voting, 8:

Elmer	Haberman	Lynch	Pedersen	Will
Fisher	Hartnett	Moore		

The Robak motion to adjourn lost with 16 ayes, 24 nays, 1 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Member Excused

Mr. Ashford asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 76. Messrs. Avery, Abboud, and Ms. Schimek offered the following amendment:
AM4268

1. In AM3375, on page 12, line 2, after the period insert "If the Governor fails to remove the election commissioner or the chief deputy election commissioner when either the election commissioner or deputy, or both, are subject to removal under this section, any citizen of the county may institute an action to order the Governor to remove the election commissioner, chief deputy election commissioner, or both.".

2. On page 19, line 5, after the period insert "If the county board fails to remove the election commissioner or the chief deputy election commissioner when either the election commissioner or deputy, or both, are subject to removal under this section, any citizen of the county may institute an action to order the county board to remove the election commissioner, chief deputy election commissioner, or both.".

3. In AM4080, on page 1, line 10, after the first period insert "This section shall not be construed to preclude an election commissioner, a chief deputy election commissioner, or a county clerk from being a delegate to a

21 county, state, or national political party convention.".

Mr. Monen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Avery moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The Avery-Abboud-Schimek amendment was adopted wtih 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Dierks offered the following amendment:
FA516
on page 9, line 25, strike three and insert four

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?"

Mr. Withem moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Dierks requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Avery	Cudaback	Janssen	Robinson	Vrtiska
Bromm	Dierks	Jones	Schellpeper	Witek
Byars	Engel	Pirsch	Schmitt	Withem
Coordsen	Hudkins	Robak		

Voting in the negative, 20:

Abboud	Day	Landis	Pedersen	Wehrbein
Bernard-Stevens	Hall	Lindsay	Preister	Wesely
	Hillman	Lynch	Rasmussen	Wickersham
Beutler	Kristensen	Monen	Warner	Will
Chambers				

Present and not voting, 6:

Bohlke	Crosby	Elmer	Hartnett	Matzke

Schimek

Excused and not voting, 5:

Ashford Fisher Haberman McKenzie Moore

The Dierks amendment lost with 18 ayes, 20 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Messrs. Wehrbein, Vrtiska, and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Dierks offered the following amendment:
FA517
On page 9, line 20, strike two and insert three

Messrs. Chambers, Monen, and Ms. Day asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bernard-Stevens moved the previous question. The question is, "Shall the debate now close?"

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

The Dierks amendment lost with 11 ayes, 19 nays, 9 present and not voting, and 10 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 1115. Placed on General File as amended.
Standing Committee amendment to LB 1115:
AM4084
1 1. Insert the following new section:

"Section 1. (1) On and after January 1, 1995, a person employed exclusively in the office or clinic of a licensed podiatrist shall not perform the functions described in subsection (2) of section 71-3515.01 as a part of such employment unless the person is (a) licensed as a limited radiographer under the Radiation Control Act or (b) certified as provided in this section.

(2) The Board of Examiners in Podiatry may certify a person to perform the functions described in subsection (1) of this section if such person (a) has completed a fifteen-hour course of instruction, approved by the board, on radiation hygiene and podiatric radiological practices including radiation health and safety, lower extremity anatomy, physics, concepts, physiology, techniques, positioning, equipment maintenance, and minimization of radiation exposure and (b) passed a competency examination administered by the board.".

2. On page 10, line 13, before the semicolon insert ". Limited radiographer shall not include a person certified under section 1 of this act".

3. On page 20, strike lines 27 and 28 and insert the following new subsection:

"(4) Any person awaiting successful completion of the requirements of this section may apply for temporary licensure. Temporary licensure shall allow the individual to practice as a limited radiographer on regions of the anatomy consistent with the curriculum of the person's course of instruction as determined by the department. A temporary license shall expire eighteen months after issuance. No person issued a temporary license as a limited radiographer for any of the anatomical regions listed in subdivision (2)(b) of section 71-3515.02 may receive a subsequent temporary license for that anatomical region.".

4. On page 21, strike lines 1 through 4.

5. On page 22, line 8, strike "and" and insert "or".

6. On page 23, in lines 12 through 19, strike the new matter and insert the following new subsections:

"(6) Any person employed in medical radiography who is not otherwise licensed may apply for a provisional license at any time before July 1, 1995. Provisionally licensed persons shall be permitted to perform the duties of a limited radiographer licensed in all anatomical regions. Provisionally licensed persons may take the Examination for the Limited Scope of Practice in Radiography from the American Registry of Radiologic Technologists without having completed an approved course of instruction for limited radiographers. All provisional licenses shall expire on June 30, 1998.

(7) No applicant for licensure, except a person issued a provisional license pursuant to subsection (6) of

this section, may take the examination for licensure, or an examination for licensure for any specific anatomical region, more than three times without first providing documentation of successful repetition of the educational course of instruction required for that license."; and in line 20 strike "(7)" and insert "(8)".

7. Renumber the remaining sections accordingly.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 677A in the Journal. No objections. So ordered.

AM4277

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated (1) $40,000 from the General Fund for FY1993-94 and (2) $161,042 from the General Fund for FY1994-95 to the Board of Parole, for Program 358, to aid in carrying out the provisions of Legislative Bill 677, Ninety-third Legislature, Second Session, 1994.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed -0- for FY1993-94 or $109,281 for FY1994-95.

Sec. 2. That original Laws 1993, LB 541, section 138, be amended to read as follows:

Sec. 138. AGENCY NO. 46 -- DEPARTMENT OF CORRECTIONAL SERVICES

Program No. 360 - Operations

	FY1993-94	FY1994-95
~~GENERAL FUND~~	~~61,341,369~~	~~62,085,826~~
GENERAL FUND	61,341,369	61,924,784
CASH FUND	681,868	680,568
FEDERAL FUND est.	636,587	632,910
REVOLVING FUND est.	5,686,003	5,809,179
~~PROGRAM TOTAL~~	~~68,345,827~~	~~69,208,483~~
~~SALARY LIMIT~~	~~36,807,883~~	~~37,964,084~~
PROGRAM TOTAL	68,345,827	69,047,441
SALARY LIMIT	36,807,883	37,854,803

The salary limitations provided by this section do not include Revolving Fund salaries. There are no salary limitations for Revolving Fund program classifications 390 and 563.

The Department of Administrative Services shall monitor appropriations and expenditures for this program

according to the following program classifications:

No. 364 - Juvenile Parole Administration
No. 368 - Lincoln Community Corrections Center
No. 369 - Omaha Community Corrections Center
No. 370 - Central Office
No. 371 - Youth Development Center-Geneva
No. 372 - Nebraska State Penitentiary
No. 373 - Nebraska Center for Women - York
No. 374 - Youth Development Center-Kearney
No. 376 - Lincoln Correctional Center
No. 377 - Omaha Correctional Center
No. 378 - Hastings Correctional Center
No. 383 - Lincoln Treatment Facility
No. 389 - Adult Parole Administration
No. 390 - Federal Surplus Property
No. 563 - Correctional Industries

Revolving Fund expenditures shall not be limited to the amounts shown.

The unexpended General Fund balance existing on June 30, 1993, is hereby reappropriated.

It is intended that the Department of Correctional Services shall maintain a Department Contingency Fund and a Department Equipment Fund.

Sec. 3. That original Laws 1993, LB 541, section 138, is repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, strike beginning with the second "to" in line 1 through the semicolon in line 3 and insert "to amend Laws 1993, LB 541, section 138; to appropriate funds to aid in carrying out the provisions of Legislative Bill 677, Ninety-third Legislature, Second Session, 1994"; and in line 4 after the semicolon insert "to repeal the original section;".

Mmes. McKenzie, Robak, Bohlke, Messrs. Wehrbein, and Hall asked unanimous consent to print the following amendment to LB 984 in the Journal. No objections. So ordered.

AM4217

(Amendments to E & R amendments, AM5724)

1. Strike sections 1 to 4 and 10 and insert the following new sections:

"Sec. 5. That section 77-4401, Revised Statutes Supplement, 1993, be amended to read as follows:

77-4401. (1) Except as otherwise provided in this section, ~~commencing April 1, 1992, through April 30, 1993, there shall be imposed a fee of three dollars per ton upon the gross tonnage of all sales, use, or other consumption in this~~

~~state of commercial fertilizers, and~~ commencing ~~May 1, 1993,~~ October 1, 1994, through December 31, 1996, there shall be imposed a fee of four dollars per ton upon the gross tonnage of all sales, use, or other consumption in this state of commercial fertilizers. The fee shall be paid by the purchaser of the commercial fertilizer. Any commercial fertilizer subject to the sales and use tax pursuant to the Nebraska Revenue Act of 1967 shall be exempt from the fee imposed by this section. For purposes of this section, the definitions found in section 81-2,162.02 shall apply.

(2) The fee imposed by this section shall be collected by the seller and remitted to the Department of Revenue for credit to the ~~General~~ Ethanol Production Incentive Cash Fund, based on the gross tonnage of commercial fertilizers sold during the preceding period. Payment of the fee shall be accompanied by a report setting forth the gross tonnage of commercial fertilizers sold by the seller. The report shall be on a form prescribed by the Department of Revenue and shall include such other information as the Tax Commissioner deems necessary. The provisions of the Nebraska Revenue Act of 1967 applicable to sales and use taxes shall apply to imposition of the fee.

(3) For purposes of this section, gross tonnage shall not include water and other carriers added by the retail seller of the fertilizer and shall not include sales of packages of fertilizers containing ten pounds or less.

(4) Any person who purchased commercial fertilizer prior to May 1, 1993, and paid a fee greater than three dollars per ton shall be entitled to a refund of the amount paid in excess of three dollars per ton.

(5) The Tax Commissioner shall adopt and promulgate rules and regulations to carry out this section.

Sec. 6. This act shall become operative on October 1, 1994.".

2. On page 6, line 24 and 25; and page 7, line 1, strike the new matter.

3. On page 7, lines 10 and 11, strike the new matter and insert "the fertilizer fee pursuant to section 77-4401".

4. On page 10, line 14, strike "66-1330,"; and in line 15 strike "and 66-1347" and insert "66-1347, and 77-4401".

5. Renumber the remaining sections accordingly.

MOTION - Reconsider Action on LB 1026

Mr. Bernard-Stevens moved to reconsider the Lindsay motion to return LB 1026 to Select File for consideration of AM3764.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: 665.

(Signed) Janis M. McKenzie, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1034A. Introduced by Robinson, 16.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1034, Ninety-third Legislature, Second Session, 1994.

MOTION - Extend Session

Speaker Withem moved that pursuant to Constitutional Provision Art. III, Section 10, and Rule 7, Section 1(a), that the Ninety-Third Legislature, Second Session, extend this session for a maximum of four legislative days only for the sole purposes as outlined below:
1. Enactment of LB 1224 and LB 1224A
2. Enactment of LB 1351 and LB 1351A
3. Override motions of gubernatorial vetoes consistent with Art. IV, Section 15, of the Nebraska Constitution.

Laid over.

VISITORS

Visitors to the Chamber were Senator Engel's nephew, Father David Smith, from Omaha; Senator Preister's nephews and nieces, Josh, Dan, Sarah, and Ellie Preister; 60 students and sponsors from Hillside Elementary School, Omaha; and fourth grade students and teacher from Bryan Elementary School, Lexington.

The Doctor of the Day was Richard Gustafson from Lincoln.

MOTION - Adjournment

Mr. Schmitt moved to adjourn. The motion prevailed with 28 ayes, 6 nays, 6 present and not voting, and 9 excused and not voting, and at

2:27 p.m., the Legislature adjourned until 9:00 a.m., Tuesday, April 5, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-SECOND DAY - APRIL 5, 1994

LEGISLATIVE JOURNAL

FIFTY-SECOND DAY - APRIL 5, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 5, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Patrick Burt, Bethany Lutheran Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Dierks, Kristensen, Landis, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-first day was approved.

MESSAGES FROM THE GOVERNOR

April 1, 1994

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 1127 was received in my office on March 30, 1994.

This bill was signed by me on April 1, 1994, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 4, 1994

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 683, 511, 1129, 908, 941, and 1002 were received in my office on March 30, 1994; Engrossed Legislative Bills 884, 979, 957, and 1083 were received on March 31, 1994.

These bills were signed by me on April 4, 1994, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

REPORT

Received annual report from the Board of Examiners for County Highway and City Street Superintendents in compliance with 39-2301 to 39-2311 Nebraska Revised Statutes for calendar year 1993.

ATTORNEY GENERAL'S OPINION

Opinion No. 94025

DATE: March 31, 1994

SUBJECT: Firearms

REQUESTED BY: Senator Stan Schellpeper

WRITTEN BY: Don Stenberg, Attorney General
William L. Howland, Assistant Attorney General

Pursuant to a letter dated March 29, 1994, you have requested an opinion as to whether amendment AM4092 to LB 988 would resolve the conflict presented by the language in the earlier amendment AM5659 which we reviewed in our opinion dated March 23, 1994.

As we understand your request, it is your intent that the possession of short-barrelled hand firearms by juveniles will still be permitted as currently authorized under subsection 2 of Neb. Rev. Stat. § 28-1204.

Amendment 5659, which we reviewed in our letter dated March 23, makes illegal any transfer of a firearm under section 4(1) of that amendment. Subsection 2 of section 4 of that amendment, however, authorizes the transfer of long guns under permitted situations as set out in subparagraphs a, b and c. The problem we identified in AM5659 was that subsection 3 of section 4 of that amendment appeared to conflict with the current provisions of subsection 2 of Neb. Rev. Stat. § 28-1204.

The new language which you have submitted contemporaneous with your request dated March 29, 1994, contained in AM4092 now recognizes the permitted possession authorized under § 28-1204(2). It would be our opinion, based on the language we have examined, that both long guns as well as short-barrelled hand firearms may be in the custody of a juvenile under those conditions spelled out in the respective sections.

Sincerely,
DON STENBERG
Attorney General
(Signed) William L. Howland
Assistant Attorney General

6-784-10.20

UNANIMOUS CONSENT - Print in Journal

Mr. Ashford asked unanimous consent to print the following amendment to LB 984 in the Journal. No objections. So ordered.

AM4267

1. Insert the following new sections:

"Section 1. Beginning with the tax form filed for the 1994 tax year, the Tax Commissioner shall include on the individual income tax return form space in which the individual taxpayer may, if a refund is due, designate one dollar to the Cornhusker State Games and United States Olympic Committee Fund created in section 3 of this act. In the case of a joint return, each spouse may designate one dollar of the refund to be paid to the fund.

Sec. 2. That section 77-2701, Revised Statutes Supplement, 1993, be amended to read as follows:

77-2701. Sections 77-2701 to 77-27,135 and section 1 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967.

Sec. 3. There is hereby created the Cornhusker State Games and United States Olympic Committee Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276. Expenses incurred by the Department of Revenue or any other agency in the administration of the income tax

designation program required by section 1 of this act shall be paid from the fund. Money shall be transferred into such fund from the General Fund by the State Treasurer in an amount to be determined by the Tax Commissioner which shall be equal to the total amount of contributions designated pursuant to section 1 of this act. The State Treasurer, by January 1, 1996, and by January 1 of each year thereafter, shall pay, on an equal share basis, the money transferred to the fund for the preceding tax year less expenses to the appropriate officials designated by the governing bodies of the Cornhusker State Games and the United States Olympic Committee, respectively. If the governing body of either the Cornhusker State Games or the United States Olympic Committee ceases to exist and function in this state, any money to be made available to such governing body pursuant to this section shall be paid to the governing body representing the remaining organization.

Sec. 4. That original section 77-2701, Revised Statutes Supplement, 1993, is repealed.".

Mr. Ashford asked unanimous consent to print the following amendment to LB 1087 in the Journal. No objections. So ordered.

FA520

1. Insert the following new sections:

"Section 1. Beginning with the tax form filed for the 1994 tax year, the Tax Commissioner shall include on the individual income tax return form space in which the individual taxpayer may, if a refund is due, designate one dollar to the Cornhusker State Games and United States Olympic Committee Fund created in section 3 of this act. In the case of a joint return, each spouse may designate one dollar of the refund to be paid to the fund.

Sec. 2. That section 77-2701, Revised Statutes Supplement, 1993, be amended to read as follows:

77-2701. Sections 77-2701 to 77-27,135 and section 1 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967.

Sec. 3. There is hereby created the Cornhusker State Games and United States Olympic Committee Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276. Expenses incurred by the Department of Revenue or any other agency in the administration of the income tax designation program required by section 1 of this act shall be paid from the fund. Money shall be transferred into such fund from the General Fund by the State Treasurer in an amount to be determined by the Tax Commissioner which shall be equal to the total amount of contributions designated pursuant to

section 1 of this act. The State Treasurer, by January 1, 1996, and by January 1 of each year thereafter, shall pay, on an equal share basis, the money transferred to the fund for the preceding tax year less expenses to the appropriate officials designated by the governing bodies of the Cornhusker State Games and the United States Olympic Committee, respectively. If the governing body of either the Cornhusker State Games or the United States Olympic Committee ceases to exist and function in this state, any money to be made available to such governing body pursuant to this section shall be paid to the governing body representing the remaining organization.

Sec. 4. That original section 77-2701, Revised Statutes Supplement, 1993, is repealed.".

Mr. Ashford asked unanimous consent to print the following amendment to LB 1174 in the Journal. No objections. So ordered.

FA521

1. Insert the following new sections:

"Section 1. Beginning with the tax form filed for the 1994 tax year, the Tax Commissioner shall include on the individual income tax return form space in which the individual taxpayer may, if a refund is due, designate one dollar to the Cornhusker State Games and United States Olympic Committee Fund created in section 3 of this act. In the case of a joint return, each spouse may designate one dollar of the refund to be paid to the fund.

Sec. 2. That section 77-2701, Revised Statutes Supplement, 1993, be amended to read as follows:

77-2701. Sections 77-2701 to 77-27,135 and section 1 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967.

Sec. 3. There is hereby created the Cornhusker State Games and United States Olympic Committee Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276. Expenses incurred by the Department of Revenue or any other agency in the administration of the income tax designation program required by section 1 of this act shall be paid from the fund. Money shall be transferred into such fund from the General Fund by the State Treasurer in an amount to be determined by the Tax Commissioner which shall be equal to the total amount of contributions designated pursuant to section 1 of this act. The State Treasurer, by January 1, 1996, and by January 1 of each year thereafter, shall pay, on an equal share basis, the money transferred to the fund for the preceding tax year less expenses to the appropriate officials designated by the governing bodies of the Cornhusker

State Games and the United States Olympic Committee, respectively. If the governing body of either the Cornhusker State Games or the United States Olympic Committee ceases to exist and function in this state, any money to be made available to such governing body pursuant to this section shall be paid to the governing body representing the remaining organization.

Sec. 4. That original section 77-2701, Revised Statutes Supplement, 1993, is repealed.".

UNANIMOUS CONSENT - Member Excused

Mr. Wickersham asked unanimous consent to be excused until he returns. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1107.

A BILL FOR AN ACT relating to real estate appraisers; to amend section 2-1502, Reissue Revised Statutes of Nebraska, 1943, sections 49-14,103.01, 72-224.03, 76-706, 76-1907, 76-2201 to 76-2203, 76-2207, 76-2210, 76-2212, 76-2217.01, 76-2218, 76-2220 to 76-2226, 76-2228, 76-2229.01 to 76-2230, 76-2232 to 76-2242, 76-2246, 76-2247.01, 76-2250, 77-1333, 77-1372, and 77-2019, Revised Statutes Supplement, 1992, and sections 76-2227, 76-2229, and 76-2249, Revised Statutes Supplement, 1993; to provide for residential and general certification of real estate appraisers; to define and redefine terms; to change provisions relating to the regulatory board, registration and licensure of real estate appraisers, and reciprocity; to provide fees; to eliminate definitions and provisions on transitional licenses; to harmonize provisions; and to repeal the original sections, and also section 76-2211, Reissue Revised Statutes of Nebraska, 1943, and sections 76-2209 and 76-2217.02, Revised Statutes Supplement, 1992.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Avery	Crosby	Haberman	Jones	Pedersen
Beutler	Cudaback	Hall	Lynch	Pirsch
Bohlke	Day	Hartnett	Matzke	Preister
Bromm	Elmer	Hillman	McKenzie	Rasmussen
Byars	Engel	Hudkins	Monen	Robak
Coordsen	Fisher	Janssen	Moore	Robinson

Schellpeper	Schmitt	Warner	Wesely	Witek
Schimek	Vrtiska	Wehrbein	Will	Withem

Voting in the negative, 0.

Present and not voting, 3:

Ashford	Chambers	Lindsay

Excused and not voting, 6:

Abboud	Bernard-Stevens	Dierks	Kristensen	Landis
				Wickersham

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1139 to Select File

Mr. Pedersen moved to return LB 1139 to Select File for the following specific amendment:
FA518
Strike the enacting clause.

Mr. Pedersen withdrew his motion to return.

Mr. Hartnett moved to return LB 1139 to Select File for the following specific amendment:
FA519
Strike the enacting clause.

Mr. Hartnett withdrew his motion to return.

UNANIMOUS CONSENT - Member Excused

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1139.

A BILL FOR AN ACT relating to counties; to amend sections 81-15,148, 81-15,150, 81-15,152, 81-15,154, 81-15,155, and 81-15,158, Revised Statutes Supplement, 1992, and sections 81-15,149 and 81-15,153, Revised Statutes Supplement, 1993; to adopt the County Industrial Sewer Construction Act; to include counties in the

Wastewater Treatment Facilities Construction Assistance Act; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Ashford	Day	Hudkins	Pedersen	Schmitt
Avery	Dierks	Janssen	Pirsch	Vrtiska
Bohlke	Elmer	Jones	Preister	Warner
Bromm	Engel	Lindsay	Rasmussen	Wehrbein
Byars	Fisher	Matzke	Robak	Wesely
Chambers	Haberman	McKenzie	Robinson	Will
Coordsen	Hall	Monen	Schellpeper	Witek
Crosby	Hartnett	Moore	Schimek	Withem
Cudaback	Hillman			

Voting in the negative, 1:

Beutler

Excused and not voting, 6:

Abboud	Bernard-Stevens	Kristensen	Landis	Lynch Wickersham

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1153. With Emergency.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1203.02, 2-1209, and 2-1211, Reissue Revised Statutes of Nebraska, 1943, sections 2-1203 and 2-1208, Revised Statutes Supplement, 1992, and section 2-1207, Revised Statutes Supplement, 1993; to change the distribution of certain fines; to create a fund; to provide an exemption from fingerprinting and criminal history requirements; to change provisions relating to deductions from wagers, payments to and use of funds by the State Racing Commission, and records maintained by licensees; to eliminate provisions relating to distributions to counties; to provide an operative date; to repeal the original sections, and also section 2-1210, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Abboud	Cudaback	Hillman	Moore	Vrtiska
Avery	Day	Hudkins	Pirsch	Warner
Beutler	Dierks	Janssen	Rasmussen	Wehrbein
Bohlke	Elmer	Jones	Robak	Wesely
Bromm	Fisher	Lindsay	Robinson	Will
Byars	Haberman	Matzke	Schellpeper	Witek
Coordsen	Hall	McKenzie	Schmitt	Withem
Crosby	Hartnett	Monen		

Voting in the negative, 0.

Present and not voting, 6:

Ashford	Engel	Pedersen	Preister	Schimek
Chambers				

Excused and not voting, 5:

Bernard-Stevens	Kristensen	Landis	Lynch	Wickersham

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1183.

A BILL FOR AN ACT relating to interest; to amend sections 45-103 to 45-103.04, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to interest on judgments and other legal actions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Abboud	Crosby	Hall	McKenzie	Robinson
Avery	Cudaback	Hartnett	Monen	Schellpeper
Beutler	Day	Hillman	Moore	Schimek
Bohlke	Dierks	Hudkins	Pedersen	Schmitt
Bromm	Elmer	Janssen	Pirsch	Vrtiska
Byars	Engel	Jones	Preister	Warner
Chambers	Fisher	Lindsay	Rasmussen	Wehrbein
Coordsen	Haberman	Matzke	Robak	Wesely

Wickersham Will Witek Withem

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 4:

Bernard-Stevens Kristensen Landis Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 1337. E & R amendment, AM5681, found in the Journal on page 1012, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1160. E & R amendment, AM5686, found in the Journal on page 1013, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1160A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 446. E & R amendment, AM5684, found in the Journal on page 1056, was adopted.

Mr. Wickersham renewed the Landis pending amendment, AM3644, printed separately from the Journal and referred to on page 1120.

SPEAKER WITHEM PRESIDING

Mmes. Hillman, Rasmussen, and Crosby asked unanimous consent to be excused until they return. No objections. So ordered.

The Landis amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Wickersham renewed his pending amendment, AM3677, found in the Journal on page 1128.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

The Wickersham amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Wickersham asked unanimous consent to pass over LB 446. No objections. So ordered.

LEGISLATIVE BILL 902. E & R amendment, AM5683, found in the Journal on page 1056, was adopted.

Messrs. Wickersham and Engel renewed their pending amendment, AM3595, found in the Journal on page 1116.

Mr. Bernard-Stevens offered the following amendment to the Wickersham-Engel pending amendment:
AM4266

(Amendments to AM3595)

1. Insert the following new sections:

"Sec. 13. That section 76-214, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-214. (1) Every grantee who has a deed to real estate recorded, which deed was executed after July 21, 1965, shall at the time such deed is presented for recording file with the register of deeds a completed statement as prescribed by the Tax Commissioner. For all deeds executed and recorded after January 1, 1986, the statement shall contain the social security number of the grantee, if living, or the federal employer identification number of the grantee. This statement may require the recitation of any information contained in the deed, the total consideration paid, the amount of the total consideration attributable to factors other than the purchase of the real estate itself, and other factors which may influence the transaction. This statement shall be signed and filed by the grantee or his or her authorized agent. The statement form shall be designed so that multiple copies are generated. Beginning January 1, 1995, a copy of the statement shall be provided to the county assessor which shall have the blank which would contain the social security number or the federal employer identification number obscured or removed so that this information is not on that copy. If the grantee fails to furnish ~~such~~ the statement, the register of deeds shall not record the deed. The register of deeds shall indicate on the statement the book and page or computer system reference where the deed is recorded and shall immediately forward the statement to the county assessor. The county assessor shall process the statement according to the instructions of the Tax Commissioner and shall, when directed, forward the statement to the Tax Commissioner. Except as provided in subsection (2) of this section, the ~~This~~ statement

and the information contained therein shall be confidential and available to tax officials only.

(2) Registered, licensed, and certified real estate appraisers shall have access to statements on file with the county assessor which have been filed on or after January 1, 1995.".

2. On page 5, line 25, after "sections" insert "76-214," and after "77-1362" insert a comma.

3. Renumber the remaining sections and correct internal references accordingly.

The Bernard-Stevens amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

The Wickersham-Engel amendment, as amended, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Messrs. Warner, Kristensen, Schellpeper, Hartnett, Wickersham, Coordsen, Will, Wesely, Abboud, Byars, Lynch, Preister, Beutler, Hall, Pedersen, Mmes. Crosby, Rasmussen, and Ms. Schimek renewed their pending amendment, AM4130, printed separately from the Journal and referred to on page 1608.

Mr. Hall offered the following amendment to the Warner et al. pending amendment:
FA523
Amend AM4130 on page 10, line 16 after "require," strike ", but not be limited to,"

Mr. Schmitt asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hall amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 1107, 1139, 1153, and 1183.

SELECT FILE

LEGISLATIVE BILL 902. The Warner et al. pending amendment, AM4130, printed separately from the Journal, referred to on page 1608, and considered in this day's Journal, was renewed.

The Warner et al. amendment, as amended, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Messrs. Warner, Wesely, Beutler, Pedersen, Hall, Ms. Schimek, and Mrs. Crosby renewed their pending amendment, AM4131, found in the Journal on page 1608.

The Warner et al. amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Wickersham renewed his pending amendment, AM3783, found in the Journal on page 1240.

Mr. Wickersham withdrew his amendment.

Mr. Warner offered the following amendment:
FA525
1) On page 2 lines 3 and 8, after "mean" insert "the lesser of the taxable value of the homestead or (b)"

The Warner amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 446. Mr. Wickersham renewed his pending amendment, AM3774, found in the Journal on page 1238.

The Wickersham amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Messrs. Wickersham and Beutler offered the following amendment:
FA524
On page 9, line 27, before the period insert "or noticed for hearing prior to such date"

The Wickersham-Beutler amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 446A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1222. E & R amendment, AM5714, printed separately from the Journal and referred to on page 1364, was adopted.

Messrs. Avery and Wesely offered the following amendment:
AM4311

(Amendments to the E & R amendments, AM5714)
1. On page 7, line 15, after the comma insert "political subdivision,".

The Avery-Wesely amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1222A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 915. E & R amendment, AM5728, found in the Journal on page 1449, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1223. E & R amendment, AM5730, found in the Journal on page 1489, was adopted.

Mr. Hartnett withdrew his amendment, AM3948, found in the Journal on page 1437.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely offered the following amendment:
AM4279
(Amendments to Standing Committee amendments, AM3613)
1. Insert the following new sections:
"Sec. 83. That section 79-444.01, Revised Statutes Supplement, 1993, be amended to read as follows:
79-444.01. Except as provided in sections 79-444.06 ~~to 79-444.08~~ and 79-444.07, each board of education and the governing authority of each school in this state shall require each student to be protected against measles, mumps, rubella, poliomyelitis, diphtheria, pertussis, and tetanus by immunization prior to enrollment, and any student who does not comply with this section shall not be permitted to continue in school until he or she shall so comply except as provided by section 79-444.07. Each school district shall make diligent efforts to inform families prior to the date of school registration of the immunization requirements of this section.
Except as provided in the Childhood Vaccine Act, the cost of such immunization shall be borne by the parent or guardian of each student who is immunized or by the Department of Health for those students whose parent or guardian is financially unable to meet such cost.
Sec. 84. That section 79-444.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-444.03. The Department of Health shall adopt and promulgate rules and regulations relating to the required levels of protection, provisional enrollment under the provisions of section 79-444.07, the evidence necessary to prove that the required examination or immunization has been received, and the reporting of each student's immunization status. The department may modify, add to, or delete from the list of required immunizations set out in section 79-444.01. The ~~Department of Health~~ department shall furnish local school authorities with copies of such rules and regulations and any other material which will assist in the carrying out of sections ~~79-444, 79-444.01, and 79-444.03 to 79-444.05~~ 79-444 and 79-444.01 to 79-444.07.

Sec. 85. That section 79-444.07, Revised Statutes Supplement, 1993, be amended to read as follows:

79-444.07. (1) A student may be provisionally enrolled in a school in Nebraska if he or she ~~has begun the immunizations required under section 79-444.01 and continues to receive the necessary immunizations as rapidly as is medically feasible~~ meets either of the following qualifications:

(a) The student has begun the immunizations required under section 79-444.01 and is receiving the necessary immunizations as rapidly as is medically feasible; or

(b) The student is the child or legal ward of an officer or enlisted person on active duty in any branch of the military services of the United States or of his or her spouse, enrolling in a Nebraska school following residence in another state or in a foreign country.

(2) As a condition for the provisional enrollment of a student qualified for such enrollment under subdivision (1)(b) of this section, a parent or adult legal guardian of the student shall provide the school with a signed written statement certifying that the student has completed the course of immunizations required by section 79-444.01.

(3) The provisional enrollment of a student qualified for such enrollment under subdivision (1)(b) of this section shall not continue beyond sixty days from the date of such enrollment. At such time the school shall be provided, with regard to the student, written evidence of compliance with section 79-444.01. The student shall not be permitted to continue in school until such evidence of compliance is provided.

Sec. 86. (1) For purposes of this section, health care payor shall include, but not be limited to:

(a) An insurer;

(b) A health maintenance organization;

(c) Medicare or medicaid;

(d) A legal entity which is self-insured and

provides health care benefits for its employees; or

(e) A person responsible for administering the payment of health care expenses for another person or entity.

(2) Any health care payor or employee thereof who has reasonable cause to believe that there has been a violation of section 71-147 or 71-148 or a fraudulent insurance act as defined in subdivision (1) of section 44-3,132 may discuss or inquire of other health care payors about such violation or act. Any health care payor or employee so discussing or inquiring or responding to such an inquiry from another health care payor shall be immune from criminal penalty or from civil liability for slander, libel, defamation, or breach of the physician-patient privilege if the discussion, inquiry, or response is made in good faith without reckless disregard for the truth.

Sec. 91. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 8, line 7, strike "seven", show as stricken, and insert "eight"; and in line 8 after "be" insert "dentists who are".

3. On page 24, line 24, strike "or unethical".

4. On page 32, line 18, strike "an adverse action" and insert "action adversely"; in line 19 after "membership" insert "of a licensee, certificate holder, or registrant"; in line 20 strike "of" through "registrant"; and in line 21 strike "negligence, unethical or" and insert "professional negligence,".

5. On page 50, strike lines 23 and 24 and insert "judgment in a manner agreed to by the Director of Health and the State Court Administrator.".

6. On page 70, line 19, after the period insert "A county association or society of dentists or physicians or its managing board may submit each year to the county board a list of three persons of recognized ability in such profession. If such a list is submitted, the county board, in making an appointment for such profession, shall consider the names on the list and may appoint one of the persons so named.".

7. On page 71, line 22, after the period insert "A county association or society of dentists or physicians or its managing board may submit each year to the county boards a list of three persons of recognized ability in such profession. If such a list is submitted, the county boards, in making an appointment for such profession, shall consider the names on the list and may appoint one of the persons so named.".

8. On page 72, line 24, after the period insert "A county association or society of dentists or physicians or its managing board may submit each year to the city council and

the county board a list of three persons of recognized ability in such profession. If such a list is submitted, the city council and the county board, in making an appointment for such profession, shall consider the names on the list and may appoint one of the persons so named.".

9. On page 117, line 22 strike "and 71-6113," and insert "71-6113, and 79-444.03,".

10. On page 118, line 3, strike "and 71-5677," and insert "71-5677, 79-444.01, and 79-444.07,"; and in line 6, strike "and"; and in line 7 after the second comma insert "and section 79-444.08, Revised Statutes Supplement, 1993,".

11. Renumber the remaining sections and correct internal references accordingly so that sections 83 to 86 added by this amendment become operative on their effective date.".

The Wesely amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Messrs. Wesely and Byars offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM4275.)

The Wesely-Byars amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 5, 1994, at 11:15 a.m., were the following bills: 1107, 1139, 1153, and 1183.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Print in Journal

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 1034 in the Journal. No objections. So ordered.

AM4202
(Amendments to Standing Committee amendments, AM3959)

1. On page 11, lines 22 through 24, strike the new matter and reinstate the stricken matter.

2. On page 12, reinstate the stricken matter beginning with "The" in line 1 through "by" in line 3; in line 3 after the reinstated "by" insert "a majority of council members"; reinstate the stricken matter beginning with "eligible" in line 4 through line 10; and in lines 22 and 25

reinstate "council" and strike "director".

Mr. Kristensen asked unanimous consent to print the following amendment to LB 984 in the Journal. No objections. So ordered.

AM4243

(Amendments to AM4217)

1. On page 1, line 1, strike "sections 1 to 4 and" and insert "section".

2. Renumber sections 5 and 6 as sections 9 and 10, respectively.

3. Insert the following new amendment:

"2. On page 1, lines 12 and 13, strike 'three-quarters' and insert 'one-half'; and in line 15 strike 'July 1, 1994' and insert 'January 1, 1997'.".

4. Renumber the remaining amendments accordingly.

VISITORS

Visitors to the Chamber were Steve Schneider from O'Neill; Heather, Erin, and Tim Rutz; a group of 40 from ENSEAD at the university in Dijon, France and two members of the Chamber of Agriculture in Macon, France; 51 fourth grade students and teachers from Meadows Elementary, Ralston; Senator Pedersen's brother, Dwain, from Omaha; and 23 fourth grade students and teacher from St. Johns Lutheran School, Seward.

RECESS

At 12:04 p.m., on a motion by Mr. Byars, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Robak presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Dierks, Engel, Kristensen, Landis, Schmitt, and Mrs. McKenzie who were excused until they arrive.

MOTION - Reconsider Action on LB 1026

Mr. Bernard-Stevens renewed his pending motion, found in the Journal on page 1685, to reconsider the Lindsay motion to return LB 1026 to Select File for consideration of AM3764.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. MOORE PRESIDING

Mr. Will moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 12 nays, and 15 not voting.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Mr. Hall moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Mrs. Witek requested a roll call vote on the Bernard-Stevens motion to reconsider action on LB 1026.

Mr. Hall requested the roll call vote be taken in reverse order.

Voting in the affirmative, 25:

Bernard-Stevens	Day	Landis	Monen	Wehrbein
Beutler	Haberman	Lindsay	Pedersen	Wesely
Bohlke	Hall	Lynch	Rasmussen	Wickersham
Byars	Hartnett	Matzke	Robinson	Will
Chambers	Kristensen	McKenzie	Schimek	Withem

Voting in the negative, 13:

Abboud	Bromm	Dierks	Jones	Robak
Ashford	Crosby	Fisher	Pirsch	Witek
Avery	Cudaback	Hudkins		

Present and not voting, 11:

Coordsen	Hillman	Moore	Schellpeper	Vrtiska
Elmer	Janssen	Preister	Schmitt	Warner
Engel				

The Bernard-Stevens motion to reconsider action prevailed with 25 ayes, 13 nays, and 11 present and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Will asked unanimous consent to print the following amendment to LB 1351 in the Journal. No objections. So ordered.

AM4309

(Amendments to Standing Committee amendments, AM3473)

1. Insert the following new sections:

"Sec. 4. Any parent or guardian, except when the State of Nebraska is the guardian, who has custody of a person under the age of eighteen and who fails to take action pursuant to section 5 of this act to control the behavior and care of such minor child after receiving notice that such minor child has been involved in, arrested for, or convicted of the crime of theft, theft of a motor vehicle, misdemeanor or felony assault, sexual assault, possession of a firearm, possession of a dangerous weapon, possession of an explosive device, possession of cigarettes or any other tobacco products, possession of alcohol, or possession of a controlled substance as defined in section 28-401 or any other crime of violence or any other felony shall be guilty of contributing to the delinquency of a minor pursuant to section 28-709. For purposes of this section, notice shall also include frequent unaccounted absences away from home, frequent unaccounted late night absences away from home, or written notification from a law enforcement agency or juvenile court of the minor child's involvement in or rearrest for any or a combination of the crimes listed in this section.

Sec. 5. Any parent or guardian, except the State of Nebraska as guardian, who receives notice pursuant to section 4 of this act, shall seek appropriate social services support for his or her minor child or support from any other appropriate public or private child services organizations. The State of Nebraska shall provide a list of available and appropriate resources and social support services to parents on demand.

Sec. 6. Any parent or guardian, except the State of Nebraska as guardian, who fails to appear in court at his or her minor child's appearance on a criminal matter after receiving written notification by a court of this state or by a law enforcement agency of such minor child's scheduled appearance, pursuant to notice requirements, and who has also failed to take action pursuant to section 5 of this act to prevent such criminal behavior or activity by the minor child, shall be guilty of child abuse pursuant to section 28-707, unless the parent or guardian, within fourteen days after his or her minor child's court appearance, meets with an appropriate child welfare officer to discuss, outline, and agree upon a detailed plan for addressing the minor child's delinquent actions. A justifiable absence by a parent or guardian under this section shall include an absence due to

illness, incapacity, or work obligations. Any parent or guardian who claims a justifiable absence under this section shall present proof of such absence and meet with an appropriate child welfare officer within fourteen days after the justifiable absence is removed.

Sec. 7. Any parent or guardian who owns or has custody of a firearm shall be guilty of child abuse pursuant to section 28-707 if his or her minor child is found to be in possession of such firearm. Such parent or guardian shall also be guilty of contributing to the unlawful possession of a firearm pursuant to section 28-1204.

Sec. 8. That section 28-707, Revised Statutes Supplement, 1993, be amended to read as follows:

28-707. (1) A person commits child abuse if he or she knowingly, intentionally, or negligently causes or permits a minor child to be:

(a) Placed in a situation that endangers his or her life or health; or

(b) Cruelly confined or cruelly punished; or

(c) Deprived of necessary food, clothing, shelter, or care.

(2) The statutory privilege between patient and physician, between client and professional counselor, and between husband and wife shall not be available for excluding or refusing testimony in any prosecution for a violation of this section.

(3) Child abuse is a Class I misdemeanor if the offense is committed negligently.

(4) Child abuse is a Class IV felony if the offense is committed knowingly and intentionally and does not result in serious bodily injury as defined in section 28-109.

(5) Child abuse is a Class III felony if the offense is committed knowingly and intentionally and results in serious bodily injury as defined in such section.

(6) A person commits child abuse if he or she is guilty of violating section 6 or 7 of this act. Child abuse pursuant to this subsection shall be a Class IV felony.

Sec. 9. That section 28-709, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-709. (1) Any person (a) who, by any act, encourages, causes, or contributes to the delinquency or need for special supervision of a child under eighteen years of age, so that such child becomes, or will tend to become, a delinquent child, or a child in need of special supervision; or (b) who is guilty of violating section 4 of this act, commits the offense of contributing to the delinquency of a child.

(2) The following definitions shall be applicable to this section:

(a) Delinquent child shall mean any child under the age of eighteen years who has violated any law of the state or any city or village ordinance; and

(b) A child in need of special supervision shall mean any child under the age of eighteen years (i) who, by reason of being wayward or habitually disobedient, is uncontrolled by his or her parent, guardian, or custodian, ; (ii) who is habitually truant from school or home, ; or (iii) who deports himself or herself so as to injure or endanger seriously the morals or health of himself or herself or others.

(3) Contributing to the delinquency of a child is a Class I misdemeanor.

Sec. 10. That section 28-1204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1204. (1) Any person under the age of eighteen years who possesses a pistol, a revolver, or any other form of short-barreled hand firearm commits the offense of unlawful possession of a revolver.

(2) The provisions of this section shall not apply to the issuance of such firearms to members of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps, when on duty or training, or to the temporary loan of pistols, revolvers, or any other form of short-barreled firearms for instruction under the immediate supervision of a parent or guardian or adult instructor.

(3) Any parent or guardian who owns or has custody of a firearm shall be guilty of contributing to the unlawful possession of a firearm if his or her minor child is found to be in possession of such firearm.

~~(3)~~ (4) Unlawful possession of a revolver or contributing to the unlawful possession of a firearm is a Class III misdemeanor.".

2. On page 35, line 6, strike "25" and insert "32"; and in line 14 strike "25 to 27" and insert "32 to 34".

3. On page 36, line 22, strike "18, 20, 25 to 29, and 32" and insert "25, 27, 32 to 36, and 39".

4. On page 37, line 6, after the first comma insert "28-709, 28-1204,"; and in line 11 after the first comma insert "28-707,".

Messrs. Wesely and Byars asked unanimous consent to print the following amendment to LB 1210 in the Journal. No objections. So ordered.

(Amendment, AM4332, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

STANDING COMMITTEE REPORT
General Affairs

The Committee on General Affairs desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Arts Council
Harry Richardson
Nebraska Advisory Commission on Compulsive Gambling
Janet French
Lynn Guilfoyle
Deb Hammond
Barbara Hill
Frank McGill
Tom Schaefer
Vernon Scott
Dr. John Shybut
Dick Stalker
Michael Wellman
William Williams

VOTE: Aye: Senators Elmer, Haberman, Hartnett, Hudkins, Schellpeper, and Will. Nay: None. Absent: Senators Cudaback and Robinson.

(Signed) Stan Schellpeper, Chairperson

MESSAGE FROM THE GOVERNOR

April 5, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Ethanol Board.

APPOINTEE: Debra J. Hansen

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson

Governor

EBN:jc

STANDING COMMITTEE REPORT
General Affairs

LEGISLATIVE RESOLUTION 303CA. Placed on General File as amended.
Standing Committee amendment to LR 303CA:
AM4195

1. Strike sections 1 and 2 and insert the following new sections:

"Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article III, section 24:

III-24 '(1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes, for civic activities, for tax relief, or for the promotion of agriculture or animal husbandry without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for other purposes as directed by the Legislature. No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure, (b) the enactment of laws providing for the licensing and regulation of lotteries conducted by licensees for civic activities, for tax relief, or for the promotion of agriculture or animal husbandry, or ~~(b)~~ (c) the enactment of laws providing for the

licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

(5) In addition to other permitted gaming activity, the Legislatusre may authorize (a) organizations which are actively conducting parimutuel wagering on licensed thoroughbred horseraces within the confines of the premises where such horseraces are actually conducted, (b) nonprofit or charitable organizations otherwise authorized to conduct other gaming activity, and (c) counties, cities, and villages to conduct lotteries, including lotteries utilizing player interactive audio or video technology, the proceeds of which are to be used solely for charitable purposes, community betterment, civic activities, tax relief, or the promotion of agriculture and animal husbandry, and may apportion such authority among such organizations, counties, cities, and villages. The Legislature is authorized to reasonably tax and regulate such gaming activity which may be operated only on such premises and by such licensees as are otherwise authorized to conduct such parimutuel wagering or operate lotteries on behalf of counties, cities, and villages.'.

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

'A constitutional amendment to allow the Legislature to authorize lotteries for charitable or community betterment purposes, for civic activities, for tax relief, or for the promotion of agriculture or animal husbandry on otherwise licensed premises.

For

Against'.".

(Signed) Stan Schellpeper, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. McKenzie, Messrs. Lynch, and Beutler asked unanimous consent to print the following amendment to LB 1210 in the Journal. No objections. So ordered.

(Amendment, AM4324, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

MOTION - Return LB 1026 to Select File

The Lindsay motion to return LB 1026 to Select File for the Lindsay-Hall specific amendment, AM3764, found in the Journal on page 1557 and considered on page 1585, was reconsidered.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. WARNER PRESIDING

Mr. Lindsay withdrew his motion to return LB 1026 to Select File.

Messrs. Lindsay and Hall withdrew their amendment, AM3764.

Messrs. Hall, Lindsay, and Beutler withdrew their amendment, AM4208, found in the Journal on page 1577.

Mr. Withem moved to return LB 1026 to Select File for the following specific amendment:
AM4330

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. That section 29-2204, Revised Statutes Supplement, 1993, be amended to read as follows:

29-2204. (1) Except as provided in subsection (4) of this section and except when a term of life is required by law, in imposing an indeterminate sentence upon an offender, the court shall:

(a) Fix the minimum and maximum limits of the sentence to be served within the limits provided by law, except that when a maximum limit of life is imposed by the court for a Class IB felony, the minimum limit may be any term of years not less than the statutory mandatory minimum and not more than one-half of the statutory maximum term and the maximum limit shall not be greater than the maximum provided by law;

(b) Advise the offender on the record the time the offender will serve on his or her minimum term before attaining parole eligibility assuming that no good time for which the offender will be eligible is lost; and

(c) Advise the offender on the record the time the offender will serve on his or her maximum term before attaining mandatory release assuming that no good time for which the offender will be eligible is lost.

If any discrepancy exists between the statement of the minimum limit of the sentence and the statement of parole eligibility or between the statement of the maximum limit of the sentence and the statement of mandatory release, the statements of the minimum limit and the maximum limit shall control the calculation of the offender's term. If the court imposes more than one sentence upon an offender or imposes a sentence upon an offender who is at that time serving another sentence, the court shall state whether the sentences are to be concurrent or consecutive.

(2)(a) When the court is of the opinion that imprisonment may be appropriate but desires more detailed information as a basis for determining the sentence to be imposed than has been provided by the presentence report required by section 29-2261, the court shall commit an offender to the Department of Correctional Services for a period not exceeding ninety days. The department shall conduct a complete study of the offender during that time, inquiring into such matters as his or her previous delinquency or criminal experience, social background, capabilities, and mental, emotional, and physical health and the rehabilitative resources or programs which may be available to suit his or her needs. By the expiration of the period of commitment or by the expiration of such additional time as the court shall grant, not exceeding a further period of ninety days, the offender shall be returned to the court for sentencing and the court shall be provided with a written report of the results of the study, including whatever recommendations the department believes will be helpful to a proper resolution of the case. After receiving the report and the recommendations, the court shall proceed to sentence the offender in accordance with subsection (1) of this section. The term of the sentence shall run from the date of original commitment under this subsection.

(b) In order to encourage the use of this procedure in appropriate cases, all costs incurred during the period the defendant is held in a state institution under this subsection shall be a responsibility of the state and the county shall be liable only for the cost of delivering the defendant to the institution and the cost of returning him or her to the appropriate court for sentencing or such other disposition as the court may then deem appropriate.

(3)(a) Commencing July 1, 1996, when the court is of the opinion that imprisonment may be appropriate, but that a brief and intensive period of incarceration may serve the interests of society by promoting the rehabilitation of the offender and by deterring the offender from engaging in further criminal activity, the court may commit an offender to the Department of Correctional Services for a period not

exceeding one hundred eighty days for placement in a regimented inmate discipline unit followed by one year of intense parole supervision. The court may consider such commitment if the offender (i) has been found guilty of a nonviolent crime, (ii) is seventeen years of age or older but younger than twenty-five years and has no physical or mental handicap that precludes strenuous physical activity, and (iii) has never before been sentenced to a period of incarceration for a felony offense in this or any other state or federal jurisdiction.

(b) Upon successful completion of the term of commitment, the offender shall be placed under the jurisdiction of the Board of Parole for a period of one year. All provisions of Chapter 83, article 1, relating to parole, except eligibility for parole, shall apply to the offender. If the parole of the offender is revoked, the offender shall be returned to the sentencing court for resentencing on the original conviction.

(c) If the offender for any reason fails to complete the program of regimented inmate discipline, the offender shall immediately be returned to the sentencing court for resentencing on the original conviction. Credit shall be given for time actually served in the program.

(d) All costs incurred during the period the offender is held in a regimented inmate discipline unit shall be the responsibility of the state, and the county shall be liable only for the cost of returning him or her to the appropriate court for resentencing or such other disposition as the court may then deem appropriate.

(4) Whenever the defendant was under eighteen years of age at the time he or she committed the crime for which he or she was convicted, the court may in its discretion, instead of imposing the penalty provided for the crime, make such disposition of the defendant as the court deems proper under the Nebraska Juvenile Code.

Sec. 2. That original section 29-2204, Revised Statutes Supplement, 1993, is repealed.".

2. On page 1, strike beginning with "courts" in line 1 through line 6 and insert "criminal sentencing; to amend section 29-2204, Revised Statutes Supplement, 1993; to change provisions relating to minimum sentences; and to repeal the original section.".

Mr. Withem withdrew his motion to return.

Mr. Withem moved to return LB 1026 to Select File for the following specific amendment:
AM4344

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. That section 29-2204, Revised Statutes Supplement, 1993, be amended to read as follows:

29-2204. (1) Except as provided in subsection (4) of this section and except when a term of life is required by law, in imposing an indeterminate sentence upon an offender, the court shall:

(a) Fix the minimum and maximum limits of the sentence to be served within the limits provided by law, but the minimum limit shall not exceed one-half of the statutory maximum term and the maximum limit shall not be greater than the maximum provided by law, except that when a maximum limit of life is imposed by the court for a Class IB felony, the minimum limit may be any term of years not less than the statutory mandatory minimum;

(b) Advise the offender on the record the time the offender will serve on his or her minimum term before attaining parole eligibility assuming that no good time for which the offender will be eligible is lost; and

(c) Advise the offender on the record the time the offender will serve on his or her maximum term before attaining mandatory release assuming that no good time for which the offender will be eligible is lost.

If any discrepancy exists between the statement of the minimum limit of the sentence and the statement of parole eligibility or between the statement of the maximum limit of the sentence and the statement of mandatory release, the statements of the minimum limit and the maximum limit shall control the calculation of the offender's term. If the court imposes more than one sentence upon an offender or imposes a sentence upon an offender who is at that time serving another sentence, the court shall state whether the sentences are to be concurrent or consecutive.

(2)(a) When the court is of the opinion that imprisonment may be appropriate but desires more detailed information as a basis for determining the sentence to be imposed than has been provided by the presentence report required by section 29-2261, the court shall commit an offender to the Department of Correctional Services for a period not exceeding ninety days. The department shall conduct a complete study of the offender during that time, inquiring into such matters as his or her previous delinquency or criminal experience, social background, capabilities, and mental, emotional, and physical health and the rehabilitative resources or programs which may be available to suit his or her needs. By the expiration of the period of commitment or by the expiration of such additional time as the court shall

grant, not exceeding a further period of ninety days, the offender shall be returned to the court for sentencing and the court shall be provided with a written report of the results of the study, including whatever recommendations the department believes will be helpful to a proper resolution of the case. After receiving the report and the recommendations, the court shall proceed to sentence the offender in accordance with subsection (1) of this section. The term of the sentence shall run from the date of original commitment under this subsection.

(b) In order to encourage the use of this procedure in appropriate cases, all costs incurred during the period the defendant is held in a state institution under this subsection shall be a responsibility of the state and the county shall be liable only for the cost of delivering the defendant to the institution and the cost of returning him or her to the appropriate court for sentencing or such other disposition as the court may then deem appropriate.

(3)(a) Commencing July 1, 1996, when the court is of the opinion that imprisonment may be appropriate, but that a brief and intensive period of incarceration may serve the interests of society by promoting the rehabilitation of the offender and by deterring the offender from engaging in further criminal activity, the court may commit an offender to the Department of Correctional Services for a period not exceeding one hundred eighty days for placement in a regimented inmate discipline unit followed by one year of intense parole supervision. The court may consider such commitment if the offender (i) has been found guilty of a nonviolent crime, (ii) is seventeen years of age or older but younger than twenty-five years and has no physical or mental handicap that precludes strenuous physical activity, and (iii) has never before been sentenced to a period of incarceration for a felony offense in this or any other state or federal jurisdiction.

(b) Upon successful completion of the term of commitment, the offender shall be placed under the jurisdiction of the Board of Parole for a period of one year. All provisions of Chapter 83, article 1, relating to parole, except eligibility for parole, shall apply to the offender. If the parole of the offender is revoked, the offender shall be returned to the sentencing court for resentencing on the original conviction.

(c) If the offender for any reason fails to complete the program of regimented inmate discipline, the offender shall immediately be returned to the sentencing court for resentencing on the original conviction. Credit shall be given for time actually served in the program.

(d) All costs incurred during the period the

offender is held in a regimented inmate discipline unit shall be the responsibility of the state, and the county shall be liable only for the cost of returning him or her to the appropriate court for resentencing or such other disposition as the court may then deem appropriate.

(4) Whenever the defendant was under eighteen years of age at the time he or she committed the crime for which he or she was convicted, the court may in its discretion, instead of imposing the penalty provided for the crime, make such disposition of the defendant as the court deems proper under the Nebraska Juvenile Code.

Sec. 2. That original section 29-2204, Revised Statutes Supplement, 1993, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, strike beginning with "courts" in line 1 through line 6 and insert "criminal sentencing; to amend section 29-2204, Revised Statutes Supplement, 1993; to change provisions relating to minimum sentences; and to repeal the original section; and to declare an emergency.".

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mrs. Witek requested a roll call vote on the Withem motion to return.

Voting in the affirmative, 21:

Bernard-Stevens	Haberman	Landis	Rasmussen	Wesely
Beutler	Hall	Lynch	Schimek	Wickersham
Bohlke	Hartnett	Monen	Warner	Will
Cudaback	Hillman	Pedersen	Wehrbein	Withem
	Kristensen			

Voting in the negative, 17:

Abboud	Crosby	Janssen	Pirsch	Schellpeper
Ashford	Day	Jones	Robak	Vrtiska
Bromm	Engel	Matzke	Robinson	Witek
Chambers	Hudkins			

Present and not voting, 10:

Avery	Coordsen	Elmer	Lindsay	Preister
Byars	Dierks	Fisher	McKenzie	Schmitt

Excused and not voting, 1:

Moore

The Withem motion to return lost with 21 ayes, 17 nays, 10 present and not voting, and 1 excused and not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of Governor appointments.

Cullan, David J. - Commission of Industrial Relations -- Business and Labor

DeLay, Thomas H. - Commission of Industrial Relations -- Business and Labor

Hansen, Debra J. - Nebraska Ethanol Board -- Natural Resources

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING
Business and Labor

Governor Appointments Tuesday, April 12, 1994 1:15 p.m.
David J. Cullan - Commission of Industrial Relations
Thomas H. DeLay - Commission of Industrial Relations

(Signed) Chris Abboud, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Warner, Wickersham, and Withem asked unanimous consent to print the following amendment to LB 1290 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM4339.)

Messrs. Avery, Pedersen, Hartnett, and Withem asked unanimous consent to print the following amendment to LB 1174 in the Journal. No objections. So ordered.

AM4335

1. On page 5, line 18, after "(10)" insert the following:

"Notwithstanding the provisions of subsection (7) of this section, the Tax Commissioner may, upon request, provide

the county board of any county which has exercised the authority granted by section 81-1254 with a list of the names and addresses of the hotels located within the county for which lodging sales tax returns have been filed or for which lodging sales taxes have been remitted for such county's County Visitors Promotion Fund under the Nebraska Visitors Development Act. The information provided by the Tax Commissioner shall indicate only the names and addresses of the hotels located within the requesting county for which lodging sales tax returns have been filed for a specified period and the fact that lodging sales taxes remitted by or on behalf of the hotel have constituted a portion of the total sum remitted by the state to the county for a specified period under the provisions of the Nebraska Visitors Development Act. No additional information shall be revealed.

(11)".

UNANIMOUS CONSENT - Member Excused

Mr. Pedersen asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1223. Mr. Dierks offered the following amendment:

AM4315

(Amendments to Standing Committee amendments, AM3613)

1. On page 88, line 9, strike "specified maximum" and after "level" insert "originally appropriated by the Legislature".

The Dierks amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1223A. Mr. Wesely offered the following amendment:

AM3896

1. On page 2, strike beginning with "$22,049" in line 8 through "$15,000" in line 9 and insert "$37,049"; and in line 10 strike "$18,911 from the General Fund and $15,000" and insert "$33,911".

The Wesely amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Dierks offered the following amendment:

AM3922

1. On page 2, line 17, strike "$195,000" and insert "$50,000 from the General Fund for FY1993-94, (2) $217,500"; and in line 19 strike "and (2)" and insert ", and (3)".

SPEAKER WITHEM PRESIDING

The Dierks amendment was adopted with 25 ayes, 1 nay, 21 present and not voting, and 2 excused and not voting.

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Wesely offered the following amendment:
AM4312

1. On page 2, strike beginning with "$22,049" in line 8 through "$15,000" in line 9 and insert "$37,049"; in line 10 strike "$18,911 from the General Fund and $15,000" and insert "$33,911"; in line 27 strike "$25,000" and insert "$150,540"; and in line 28 strike "$25,000" and insert "$123,100".

2. On page 3, strike lines 4, 5, and 6 and insert:

"Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $20,000 for FY1994-95 or $20,000 for FY1995-96.".

The Wesely amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1207. E & R amendment, AM5680, printed separately from the Journal and referred to on page 1056, was adopted.

Mr. Schellpeper renewed his pending amendment, AM3600, found in the Journal on page 1442.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schellpeper amendment lost with 5 ayes, 13 nays, 27 present and not voting, and 4 excused and not voting.

Ms. Day, Messrs. Hartnett, and Beutler renewed their pending amendment, AM3652, found in the Journal on page 1147.

Ms. Day moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Day-Hartnett-Beutler amendment was adopted with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mrs. Pirsch renewed her pending amendment, AM3891, found in the Journal on page 1308.

Mrs. Pirsch withdrew her amendment.

Mr. Beutler and Mrs. Bohlke renewed their pending amendment, AM3881, found in the Journal on page 1334.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The Beutler-Bohlke amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Schellpeper withdrew his amendment, AM3973, found in the Journal on page 1400.

Messrs. Wehrbein and Beutler renewed their pending amendment, AM3984, found in the Journal on page 1416.

The Wehrbein-Beutler amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Pending.

MESSAGE FROM THE GOVERNOR

April 5, 1994

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 248 and 248A were received in my office on March 30, 1994.

These bills were signed by me on April 5, 1994, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: 913.

Correctly Engrossed

The following bills were correctly engrossed: 991 and 1045.

Enrollment and Review Change to LB 991

The following changes, required to be reported for publication in the Journal, have been made:
ER7455

1. In the Bernard-Stevens amendment, AM3899, on page 1, line 4, "for FY1994-95" has been inserted after "$45,880"; in line 6 "for FY1994-95" has been inserted after "$33,504"; and in line 10 "for Program 250" has been inserted after "section".

2. In lieu of the Ashford-Abboud-Wesely amendment, FA458, on page 92, the following new paragraph has been inserted after line 25:

"It is the intent of the Legislature that $200,000 of the General Fund allocation to the University of Nebraska Central Administration for FY1994-95 shall be allocated to enhance the current instructional programs offered by the College of Engineering at the University of Nebraska at Omaha delivery site.".

3. On page 29, line 3, "24,227,441" and all amendments thereto have been struck and "24,871,911" inserted; and line 4 and all amendments thereto have been struck, the old matter shown as stricken, and "SALARY LIMIT 17,528,021 18,715,027" inserted.

4. On page 36, line 5, "409,944,812" and all amendments thereto have been struck and "412,980,724" inserted; and in line 10 "411,188,884" and all amendments thereto have been struck and "414,224,796" inserted.

5. On page 40, line 9, "237,554,918" has been struck and "237,604,918" inserted.

6. On page 108, line 24 has been reinstated; and line 25 and all amendments thereto have been struck.

Enrollment and Review Change to LB 1045

The following changes, required to be reported for publication in the Journal, have been made:
ER7456
1. In the E & R amendments, AM5698, on page 1, line 5, "delete obsolete" has been struck and "eliminate certain transfer" inserted.

(Signed) Janis M. McKenzie, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Withem asked unanimous consent to have his name added as cointroducer to LB 1044. No objections. So ordered.

Mr. Bromm asked unanimous consent to have his name added as cointroducer to LR 353. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Natural Resources

Governor Appointment Wednesday, April 13, 1994 12:30 p.m.
Debra Hansen - Nebraska Ethanol Board

(Signed) Chris Beutler, Chairperson

EASE

The Legislature was at ease from 5:53 p.m. until 6:17 p.m.

UNANIMOUS CONSENT - Member Excused

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1207. Mr. Beutler and Mrs. Bohlke renewed their pending amendment, AM4113, found in the Journal on page 1484.

Mr. Beutler moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

The Beutler-Bohlke amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Schellpeper renewed his pending amendment, AM4192, found in the Journal on page 1577.

Mr. Schellpeper renewed his pending amendment, AM4236, found in the Journal on page 1664, to his pending amendment.

MR. HALL PRESIDING

Mr. Schellpeper withdrew his amendments, AM4236 and AM4192.

Mr. Lindsay asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner offered the following amendment:
AM4337

(Amendments to E & R amendments, AM5680)

1. Strike sections 1 and 2 and insert the following new sections:

"Section 1. That section 13-2001, Revised Statutes Supplement, 1992, be amended to read as follows:

13-2001. Sections 13-2001 to 13-2043 and section 2 of this act shall be known and may be cited as the Integrated Solid Waste Management Act.

Sec. 2. Any joint entity or agency created to fulfill the purposes of the Integrated Solid Waste Management Act pursuant to the Interlocal Cooperation Act shall comply with the Municipal Proprietary Function Act for purposes of reporting its budgets. Proprietary budget statements for the joint entity or agency shall be placed on file with the office of the municipal clerk of each member which is a municipality as required by the Municipal Proprietary Function Act and with the county clerk of each member which is a county.".

2. On page 13, line 10, after "formed" insert "to fulfill the purposes described in the Integrated Solid Waste Management Act".

3. On page 21, line 8, after "sections" insert "13-2001,"; and in line 10 strike "13-515, 13-516,".

4. Renumber the remaining sections accordingly.

The Warner amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Lindsay offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM4327.)

The Lindsay amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Schellpeper requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 907. E & R amendment, AM5682, found in the Journal on page 1056, was adopted.

Mrs. Hudkins renewed her pending amendment, AM3532, found in the Journal on page 1126.

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the Hudkins pending amendment:
FA527
Amend AM3532
Page 2, strike lines 7-12.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

The Chambers amendment was adopted with 25 ayes, 9 nays, 9 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

The Hudkins amendment, as amended, was adopted with 28 ayes, 1 nay, 14 present and not voting, and 6 excused and not voting.

Mr. Chambers offered the following amendment:
FA528
Add new section:
Any politician, elected official or candidate for elective office who knowingly disseminates in any manner, material information he or she knows to be false, shall be guilty of a Class II misdemeanor.

Mr. Hartnett asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Mr. Withem moved to indefinitely postpone LB 907.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 902A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 902, Ninety-third Legislature, Second Session, 1994; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. Ashford asked unanimous consent to print the following amendment to LB 1087 in the Journal. No objections. So ordered.

AM4351

1. Insert the following new section:

"Sec. 3. That section 77-27,142, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,142. (1) Any incorporated municipality by ordinance of its governing body is hereby authorized to impose a sales and use tax of one-half percent, one percent, or one and one-half percent upon the same transactions within such incorporated municipality on which the State of Nebraska is authorized to impose a tax pursuant to the Nebraska Revenue Act of 1967, as amended from time to time. No sales and use tax shall be imposed pursuant to this section until an election has been held and a majority of the qualified electors have approved such tax pursuant to sections 77-27,142.01 and 77-27,142.02.

(2) A city of the metropolitan class is hereby authorized to increase any city sales and use tax existing on January 1, 1978, imposed pursuant to this section by an amount not to exceed one-half of one percent if the question of such tax increase is submitted to the voters of such city and the voters by a majority vote approve such increase. The question of such increase shall be submitted to the voters at the primary or general election in 1980 if the city council shall submit a certified copy of a resolution to that effect to the election commissioner not later than forty-one days prior to the primary or general election. Notwithstanding the provisions of section 77-27,143, if the increase is approved by the voters at the primary or general election in 1980, the election commissioner shall file a certified copy of the election results with the Tax Commissioner on or before the

last day of the month in which the election is held. If the increase is not approved by the voters at the primary or general election in 1980, no tax increased pursuant to this section shall remain in effect after December 31, 1980.

(3) A city of the primary class is hereby authorized to increase any city sales and use tax existing on January 1, 1985, imposed pursuant to this section by an amount not to exceed one-half of one percent if the question of such tax increase is submitted to the voters of such city and the voters by a majority vote approve such increase. The question of such increase shall be submitted to the voters at the next primary or general election or at a special election if the city council shall submit a certified copy of a resolution proposing the tax increase to the election commissioner within a reasonable time prior to the primary, general, or special election. If the increase is approved by the voters at the primary, general, or special election, the election commissioner shall file a certified copy of the election results with the Tax Commissioner on or before the last day of the month in which the election is held. If the voters of a city of the primary class have not approved such an increase by December 31, 1987, the question of such an increase shall not be submitted thereafter to the voters and there shall be no increase in the city sales and use tax.

(4) A city of the first or second class or village is hereby authorized to increase any city sales and use tax existing on January 1, 1986, imposed pursuant to this section by an amount not to exceed one-half of one percent if the question of such tax increase is submitted to the voters of such city or village and the voters by a majority vote approve such increase. The question of such increase shall be submitted to the voters at any primary or general election or at a special election if the city council or village board shall submit a certified copy of a resolution proposing the tax increase to the election commissioner or county clerk within a reasonable time prior to the primary, general, or special election. If the increase is approved by the voters at the primary, general, or special election, the election commissioner or county clerk shall file a certified copy of the election results with the Tax Commissioner on or before the last day of the month in which the election is held.

(5) A city of the metropolitan class may increase any city sales and use tax existing on the effective date of this act imposed pursuant to this section by an amount not to exceed one-half of one percent if the governing body of the city adopts an ordinance approving such increase. Such increase shall be made without further submission of the question to the voters of such city, and such increase shall be for no more than twelve consecutive months after inception

of the increase or until December 31, 1995, whichever occurs first. Notwithstanding any home rule charter provision to the contrary, the proceeds from the tax imposed by this subsection shall be placed in a separate fund for improvements to renovate the Civic Auditorium and to provide for additional parking at the Henry Doorley Zoo.".

2. On page 7, line 15, after "original" insert "section 77-27,142, Reissue Revised Statutes of Nebraska, 1943, and".

3. Renumber the remaining sections accordingly.

Mr. Cudaback asked unanimous consent to print the following amendment to LB 1257 in the Journal. No objections. So ordered.

AM4198

1. Insert the following new section:

"Sec. 3. That section 13-503, Revised Statutes Supplement, 1993, be amended to read as follows:

13-503. For purposes of the Nebraska Budget Act, unless the context otherwise requires:

(1) Governing body shall mean, in the case of a city, the council; in the case of a village, cemetery district, community hospital for two or more adjoining counties, road improvement district, sanitary drainage district, or sanitary and improvement district, the board of trustees; in the case of a county, the county board; in the case of a township, the town board; in the case of a school district, the school board; in the case of a rural or suburban fire protection district, reclamation district, natural resources district, or hospital district, the board of directors; in the case of a health district, the board of health; in the case of a regional library, the regional library commission; in the case of an educational service unit, the board; in the case of a community college, the Community College Board of Governors for the area the board serves; in the case of an airport authority, the airport authority board; in the case of a weed control authority, the board; and in the case of a county agricultural society, the board of directors;

(2) Levying board shall mean any governing body which has the power or duty to levy a tax;

(3) Fiscal year shall mean the twelve-month period used by each governing body in determining and carrying on its financial and taxing affairs;

(4) Tax shall mean any general or special tax levied against persons, property, or business for public purposes as provided by law but shall not include any special assessment;

(5) Auditor shall mean the Auditor of Public Accounts;

(6) Cash reserve shall mean funds required for the period before revenue would become available for expenditure but shall not include funds held in any special reserve fund;

(7) Public funds shall mean all money, including nontax money, used in the operation and functions of governing bodies. For purposes of a county, city, or village which has a lottery established under the Nebraska County and City Lottery Act, only those net proceeds which are actually received by the county, city, or village from a licensed lottery operator shall be considered public funds, and public funds shall not include amounts awarded as prizes;

(8) Adopted budget statement shall mean a proposed budget statement which has been adopted or amended and adopted as provided in section 13-506. Such term shall include additions, if any, to an adopted budget statement made by a supplemental budget which has been adopted as provided in section 13-511; and

(9) Special reserve fund shall mean ~~a~~ any special fund set aside by the governing body for a particular purpose and not available for expenditure for any other purpose. Funds created for (a) the retirement of bonded indebtedness, (b) the funding of employee pension plans, (c) the purposes of the Political Subdivisions Self-Funding Benefits Act, (d) the purposes of the Local Option Municipal Economic Development Act, (e) voter-approved sinking funds, or (f) statutorily authorized sinking funds shall be considered special reserve funds.".

2. On page 3, line 7, after "13-501" insert ", 13-503,".

3. Renumber the remaining sections accordingly.

Messrs. Avery and Matzke asked unanimous consent to print the following amendment to LB 1031 in the Journal. No objections. So ordered.

AM4350

1. Insert the following new sections:

"Section 1. That section 66-1518, Revised Statutes Supplement, 1993, be amended to read as follows:

66-1518. (1) The Environmental Quality Council shall adopt and promulgate rules and regulations regarding the form and procedure for applications for payment or reimbursement from the fund, procedures for investigation of claims for payment or reimbursement, procedures for determining the amount and type of costs that are eligible for payment or reimbursement from the fund, procedures for auditing persons who have received payments from the fund, and other provisions necessary to carry out the Petroleum Release Remedial Action Act.

(2) The department shall make available to the public a current schedule of reasonable rates for equipment, services, material, and personnel commonly used for remedial action. The department shall consider the schedule of reasonable rates in reviewing all costs for the remedial action which are submitted in a plan. The rates shall be used to determine the amount of reimbursement for the eligible and reasonable costs of the remedial action, except that (a) the reimbursement for the costs of the remedial action shall not exceed the actual eligible and reasonable costs incurred by the responsible person or his or her designated representative and (b) reimbursement may be made for costs which exceed or are not included on the schedule of reasonable rates if the application for such reimbursement is accompanied by sufficient evidence for the department to determine and the department does determine that such costs are reasonable.

(3) The department, in consultation with interested parties, shall report to the Legislature at the beginning of every third year during which the fund is in existence on the availability of private insurance to insure the damages for which payment may be made from the fund.

Sec. 2. That section 66-1525, Revised Statutes Supplement, 1993, be amended to read as follows:

66-1525. (1) Any responsible person or his or her designated representative who has taken remedial action in response to a release first reported after July 17, 1983, and on or before December 31, 1998, or against whom there is a third-party claim may apply to the department under the rules and regulations adopted and promulgated pursuant to section 66-1518 for reimbursement for the costs of the remedial action or third-party claim. Partial payment of such reimbursement to the responsible person may be authorized by the department at the approved stages prior to the completion of remedial action when a remedial action plan has been approved. Such partial payment may include the eligible and reasonable costs of such plan or pilot projects conducted during the remedial action.

(2) No reimbursement may be made unless the department makes the following eligibility determinations:

(a) The tank was in substantial compliance with any rules and regulations of the United States Environmental Protection Agency, the State Fire Marshal, and the department which were applicable to the tank. Substantial compliance shall be determined by the department taking into consideration the purposes of the Petroleum Release Remedial Action Act and the adverse effect that any violation of the rules and regulations may have had on the tank thereby causing or contributing to the release and the extent of the remedial action thereby required;

(b) Either the State Fire Marshal or the department was given notice of the release in substantial compliance with the rules and regulations adopted and promulgated pursuant to the Environmental Protection Act and the Petroleum Products and Hazardous Substances Storage and Handling Act. Substantial compliance shall be determined by the department taking into consideration the purposes of the Petroleum Release Remedial Action Act and the adverse effect that any violation of the notice provisions of the rules and regulations may have had on the remedial action being taken in a prompt, effective, and efficient manner;

(c) The responsible person reasonably cooperated with the department and the State Fire Marshal in responding to the release;

(d) The department has approved the plan submitted by the responsible person for the remedial action in accordance with rules and regulations adopted and promulgated by the department pursuant to the Environmental Protection Act or the Petroleum Products and Hazardous Substances Storage and Handling Act or that portion of the plan for which payment or reimbursement is requested;

(e) The costs for the remedial action were actually incurred by the responsible person or his or her designated representative after May 27, 1989, and were eligible and reasonable;

(f) If reimbursement for a third-party claim is involved, the cause of action for the third-party claim accrued after April 26, 1991, and the Attorney General was notified by any person of the service of summons for the action within ten days of such service; and

(g) The responsible person or his or her designated representative has paid the amount specified in subsection (1) or (2) of section 66-1523.

(3) The State Fire Marshal shall review each application prior to consideration by the department and provide to the department any information the State Fire Marshal deems relevant to subdivisions (2)(a) through (g) of this section.

(4) The department may withhold taking action on an application during the pendency of an enforcement action by the state or federal government related to the tank or a release from the tank.

(5) Reimbursements made for a remedial action may be reduced as much as one hundred percent for failure by the responsible person to comply with applicable statutory or regulatory requirements. In determining the amount of the reimbursement reduction, the department shall consider:

(a) The extent of and reasons for noncompliance;

(b) The likely environmental impact of the

noncompliance; and

(c) Whether noncompliance was negligent, knowing, or willful.

(6) Except as provided in subsection (4) of this section, the department shall notify the responsible person of its approval or denial of the remedial action plan within one hundred twenty days after receipt of a remedial action plan which contains all the required information. If after one hundred twenty days the department fails to either deny, approve, or amend the remedial action plan submitted, the proposed plan shall be deemed approved. If the remedial action plan is denied, the department shall provide the reasons for such denial.".

2. On page 18, line 22, strike "section" and insert "sections 66-1518, 66-1525, and"; and in line 23 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Mr. Hall asked unanimous consent to print the following amendment to LB 1210 in the Journal. No objections. So ordered.

(Amendment, AM4345, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

SELECT FILE

LEGISLATIVE BILL 1290. Messrs. Warner and Wickersham asked unanimous consent to replace their pending amendment, AM3634, found in the Journal on page 1120, with a substitute amendment. No objections. So ordered.

Messrs. Warner and Wickersham withdrew their amendment, AM3634, found in the Journal on page 1120.

Messrs. Warner, Wickersham, and Withem renewed their pending substitute amendment, AM4339, on file in the Clerk's Office and referred to on page 1719.

The Warner-Wickersham-Withem amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Messrs. Will, Lindsay, Hartnett, and Mrs. Rasmussen withdrew their amendment, AM3338, found in the Journal on page 1127.

Mr. Withem withdrew his amendments, AM3675, AM3769, and AM3720, found in the Journal on pages 1158, 1228, and 1257.

Mrs. Rasmussen withdrew her amendment, AM3672, found in the Journal on page 1213.

Messrs. Warner, Withem, and Wickersham withdrew their amendment, AM3974, printed separately from the Journal and referred on page 1403.

Advanced to E & R for engrossment.

VISITORS

Visitors to the Chamber were Howard Heidemann from Michigan; group from Youth Services, Preparation for Adult Living Services program and sponsor; 11 students and sponsors from Northwest High School, Omaha; 16 seniors, teacher, and superintendent from Walthill High School; and 45 fourth grade students and teacher from Adams Elementary School, Omaha.

The Doctor of the Day was Mark Ptacek from O'Neill.

ADJOURNMENT

At 8:17 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Wednesday, April 6, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-THIRD DAY - APRIL 6, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 6, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Coordsen, Engel, Hall, Lindsay, Lynch, Will, Mrs. Rasmussen, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-second day was approved.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 647.

A BILL FOR AN ACT relating to schools; to amend section 9-812, Revised Statutes Supplement, 1993; to state intent; to define terms; to provide for programs for learners with high ability; to provide for funding; to provide duties for the State Department of Education; to appropriate funds; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Ashford	Cudaback	Hudkins	Moore	Vrtiska
Avery	Day	Janssen	Pedersen	Warner
Bernard-Stevens	Dierks	Kristensen	Pirsch	Wehrbein
Beutler	Elmer	Landis	Preister	Wesely
Bohlke	Fisher	Matzke	Robinson	Wickersham
Bromm	Haberman	McKenzie	Schellpeper	Witek
Crosby	Hartnett	Monen	Schmitt	Withem
	Hillman			

Voting in the negative, 0.

Present and not voting, 4:

Byars	Chambers	Jones	Robak

Excused and not voting, 9:

Abboud	Engel	Lindsay	Rasmussen	Will
Coordsen	Hall	Lynch	Schimek	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 1074

Mr. Haberman withdrew his amendment, AM3487, found in the Journal on page 1021, to LB 1074.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1074.

A BILL FOR AN ACT relating to insurance; to amend sections 60-571 to 60-573, 60-575 to 60-577, and 60-579 to 60-582, Reissue Revised Statutes of Nebraska, 1943, sections 60-574 and 60-578, Revised Statutes Supplement, 1992, and section 60-302, Revised Statutes Supplement, 1993; to rename the Underinsured Motorist Insurance Coverage Act; to change and eliminate provisions relating to underinsured and uninsured motorist coverages; to change provisions relating to motor vehicle registration and proof of financial responsibility; to authorize the Director of Insurance to appoint staff to

investigate insurance fraud; to provide funding; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide an operative date; and to repeal the original sections, and also sections 60-509.01 to 60-509.03, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Ashford	Crosby	Hillman	Moore	Schmitt
Avery	Cudaback	Hudkins	Pedersen	Vrtiska
Bernard-Stevens	Day	Janssen	Pirsch	Warner
Beutler	Dierks	Jones	Preister	Wehrbein
Bohlke	Elmer	Kristensen	Rasmussen	Wesely
Bromm	Engel	Landis	Robak	Wickersham
Byars	Fisher	Matzke	Robinson	Witek
Coordsen	Haberman	McKenzie	Schellpeper	Withem
	Hartnett	Monen		

Voting in the negative, 1:

Chambers

Excused and not voting, 6:

Abboud	Lindsay	Lynch	Schimek	Will
Hall				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1074A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1074, Ninety-third Legislature, Second Session, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Ashford	Beutler	Coordsen	Elmer	Hartnett
Avery	Bohlke	Crosby	Engel	Hillman
Bernard-Stevens	Bromm	Day	Fisher	Hudkins
	Byars	Dierks	Haberman	Janssen

Jones	Monen	Rasmussen	Schimek	Wehrbein
Kristensen	Moore	Robak	Schmitt	Wesely
Landis	Pedersen	Robinson	Vrtiska	Wickersham
Matzke	Pirsch	Schellpeper	Warner	Witek
McKenzie	Preister			

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Cudaback	Withem

Excused and not voting, 5:

Abboud	Hall	Lindsay	Lynch	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1250.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 79-211, 79-4,170 to 79-4,176, 79-4,178, 79-4,179, and 79-4,181 to 79-4,204, Reissue Revised Statutes of Nebraska, 1943, and section 79-4,180, Revised Statutes Supplement, 1992; to provide that certain juveniles obtain vocational education or training or secure and maintain employment; to provide for education, counseling, and other programs for such purpose; to provide for services relating to truancy; to name the Student Discipline Act; to authorize additional disciplinary actions; to require compliance with certain other laws as prescribed; to change provisions relating to giving notice; to change procedures relating to expulsion; to provide for completion of school work as prescribed; to redefine terms; to provide for reassignment agreements among schools; to provide for suspension of an expulsion as prescribed; to change provisions relating to grounds for long-term suspension, expulsion, or reassignment; to provide time periods for expulsion or exclusion; to provide for notification of law enforcement agencies as prescribed; to provide for notification of parents as prescribed; to harmonize provisions; to eliminate provisions relating to special schools for truants and incorrigibles; and to repeal the original sections, and also section 79-212, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Ashford	Crosby	Hartnett	Monen	Schimek
Avery	Cudaback	Hillman	Moore	Schmitt
Bernard-Stevens	Day	Hudkins	Pedersen	Vrtiska
Beutler	Dierks	Janssen	Pirsch	Warner
Bohlke	Elmer	Jones	Preister	Wehrbein
Bromm	Engel	Kristensen	Rasmussen	Wesely
Byars	Fisher	Landis	Robak	Wickersham
Coordsen	Haberman	Matzke	Robinson	Witek
	Hall	McKenzie	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 4:

Abboud	Lindsay	Lynch	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Hartnett and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 1287. With Emergency.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend section 81-2017, Revised Statutes Supplement, 1992; to increase the retirement system contribution rate; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Avery	Cudaback	Hillman	Monen	Schmitt
Bernard-Stevens	Day	Hudkins	Moore	Vrtiska
Bohlke	Dierks	Janssen	Pedersen	Warner
Bromm	Elmer	Jones	Pirsch	Wehrbein
Byars	Engel	Kristensen	Rasmussen	Wickersham
Coordsen	Fisher	Landis	Robak	Witek
Crosby	Haberman	Lynch	Robinson	Withem
	Hall	Matzke	Schellpeper	

Voting in the negative, 3:

Ashford Beutler Wesely

Present and not voting, 3:

Chambers Preister Schimek

Excused and not voting, 5:

Abboud Hartnett Lindsay McKenzie Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1287A.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1993, LB 541, section 227; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1287, Ninety-third Legislature, Second Session, 1994; to state intent; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Ashford	Crosby	Hillman	Monen	Schimek
Avery	Day	Hudkins	Moore	Schmitt
Bernard-Stevens	Dierks	Janssen	Pedersen	Vrtiska
	Elmer	Jones	Pirsch	Warner
Bohlke	Engel	Kristensen	Preister	Wehrbein
Bromm	Fisher	Landis	Rasmussen	Wickersham
Byars	Haberman	Lynch	Robinson	Witek
Coordsen	Hall	Matzke	Schellpeper	Withem

Voting in the negative, 2:

Beutler Wesely

Present and not voting, 3:

Chambers Cudaback Robak

Excused and not voting, 5:

Abboud Hartnett Lindsay McKenzie Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1306. With Emergency.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2321 and 84-1323, Reissue Revised Statutes of Nebraska, 1943, sections 79-1533, 81-2031, 84-1319, and 84-1503, Revised Statutes Supplement, 1992, and sections 23-2319, 79-1551, 81-2025, 81-2026, and 84-1321, Revised Statutes Supplement, 1993; to change provisions relating to deferred annuities, death benefits, late fees, contributions, annuity eligibility requirements, retirement age, compensation, and transfers to fund studies; to eliminate provisions relating to purchase of service credit by school employees; to repeal the original sections, and also sections 79-1514.07 to 79-1514.09, Revised Statutes Supplement, 1992; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Ashford	Coordsen	Hall	Monen	Schimek
Avery	Crosby	Hillman	Moore	Schmitt
Bernard-Stevens	Cudaback	Hudkins	Pedersen	Vrtiska
Beutler	Day	Janssen	Pirsch	Warner
Bohlke	Dierks	Jones	Preister	Wehrbein
Bromm	Elmer	Kristensen	Rasmussen	Wesely
Byars	Engel	Landis	Robak	Wickersham
Chambers	Fisher	Lynch	Robinson	Witek
	Haberman	Matzke	Schellpeper	Withem

Voting in the negative, 0.

Excused and not voting, 5:

Abboud	Hartnett	Lindsay	McKenzie	Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER WITHEM PRESIDING

LEGISLATIVE BILL 1306A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1306,

Ninety-third Legislature, Second Session, 1994; to provide for a transfer; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Ashford	Coordsen	Hillman	Moore	Schmitt
Avery	Crosby	Hudkins	Pedersen	Vrtiska
Bernard-Stevens	Cudaback	Janssen	Pirsch	Warner
Beutler	Day	Jones	Preister	Wehrbein
Bohlke	Dierks	Kristensen	Rasmussen	Wesely
Bromm	Elmer	Landis	Robak	Wickersham
Byars	Engel	Lynch	Robinson	Witek
Chambers	Haberman	Matzke	Schellpeper	Withem
	Hall	Monen	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Fisher

Excused and not voting, 5:

Abboud	Hartnett	Lindsay	McKenzie	Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 695A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1243A. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 1034. Title read. Considered.

Standing Committee amendment, AM3959, printed separately from the Journal and referred to on page 1468, was considered.

Mr. Bernard-Stevens renewed his pending amendment, AM4202, found in the Journal on page 1704, to the Standing Committee amendment.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Bernard-Stevens requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 22:

Ashford	Chambers	Hartnett	Matzke	Schimek
Avery	Coordsen	Hudkins	Moore	Vrtiska
Bernard-Stevens	Cudaback	Janssen	Pedersen	Witek
	Engel	Kristensen	Rasmussen	Withem
Byars	Hall	Lindsay		

Voting in the negative, 13:

Beutler	Crosby	Landis	Schmitt	Wehrbein
Bohlke	Elmer	Lynch	Warner	Wickersham
Bromm	Hillman	Monen		

Present and not voting, 11:

Day	Haberman	McKenzie	Robak	Schellpeper
Dierks	Jones	Preister	Robinson	Wesely
Fisher				

Absent and not voting, 1:

Pirsch

Excused and not voting, 2:

Abboud Will

The Bernard-Stevens amendment lost with 22 ayes, 13 nays, 11 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Preister offered the following amendment to the Standing Committee amendment:
FA529
In AM3959 on page 20, lines 7 and 15 strike "land,"

Mr. Preister withdrew his amendment.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA530

Amend AM3959
Page 1, lines 21-24, strike all language

Mr. Chambers withdrew his amendment.

The Standing Committee amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1034A. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 72. Title read. Considered.

MR. MOORE PRESIDING

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1349. Title read. Considered.

Standing Committee amendment, AM3609, found in the Journal on page 1198, was considered.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler offered the following amendment to the Standing Committee amendment:
AM4357
(Amendments to Standing Committee amendment, AM3609)

1. Strike section 8 and insert the following new sections:

"Sec. 8. That section 81-15,113.01, Revised Statutes Supplement, 1993, be amended to read as follows:

81-15,113.01. (1) There is hereby created the Community Improvements Cash Fund which shall be under the direction of the department. The Central Interstate Low-Level Radioactive Waste Compact Commission shall annually through ~~1993~~ 1994 remit to the department the funds received from the states belonging to the Central Interstate Low-Level Radioactive Waste Compact as compensation paid to the host

state. When the facility begins operation, the developer shall levy, collect, and remit to the department a surcharge on the rates charged to the users of the facility which is sufficient to raise two million dollars per year together with any adjustments made by the department pursuant to this section. The department shall remit such surcharge to the State Treasurer who shall credit it to the Community Improvements Cash Fund. On October 1, 1990, and each October 1 thereafter, the department shall adjust the amount to be remitted by the developer by an amount equal to the percentage increase in the Consumer Price Index or, if publication of the Consumer Price Index is discontinued, a comparable index selected by the director. There is hereby appropriated three hundred thousand dollars from the Community Improvements Cash Fund for the period July 1, 1988, to June 30, 1989, to carry out the purposes of this section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

(2) The department shall distribute money from the fund as follows:

(a) Prior to final site selection, three hundred thousand dollars per year shall be allocated for public purposes to be divided among the communities that are under active consideration to host the facility as provided in subsection (3) of this section;

(b) After the final site has been selected and until the facility is operational, three hundred thousand dollars per year shall be allocated for public purposes as provided in subsection (3) of this section. Acceptance of the funds distributed pursuant to this subdivision or subdivision (a) of this subsection shall in no way affect the siting process; and

(c) Once the facility is operational and during the operational life of the facility, the total amount in the fund shall be allocated each year for public purposes as provided in subsection (3) of this section.

(3) Money distributed pursuant to subdivisions (2)(a), (b), and (c) of this section shall be allocated as follows:

(a) Fifty percent of such money shall be distributed to incorporated municipalities which lie totally or partially within ten kilometers of the facility or the proposed facility based on the ratio of the population of the particular incorporated municipality to the total population of all such incorporated municipalities as determined by the latest federal census; and

(b) Fifty percent of such money shall be distributed to the county treasurer of the county where the facility is located or proposed to be located to be distributed to each political subdivision which levied property taxes on the

property where the facility is located or proposed to be located. The money shall be distributed on the basis of the ratio of the total amount of taxes levied by each political subdivision to the total amount of property taxes levied by all such political subdivisions on such property based on the amounts stated in the most recent certificate of taxes levied submitted by each county to the Tax Commissioner pursuant to section 77-1613.01.

(4) The Natural Resources Committee of the Legislature shall conduct a study to establish a formula for the equitable distribution of the funds specified in subdivision (2)(c) of this section. The committee shall hold public hearings necessary to carry out the purposes of the study.

Sec. 9. Sections 1 to 7 of this act shall become operative on January 1, 1995. The other sections of this act shall become operative on their effective date.

Sec. 10. That original section 81-15,113.01, Revised Statutes Supplement, 1993, is repealed.

Sec. 11. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Insert underscoring in sections 1 to 7.

Mr. Beutler moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The Beutler amendment was adopted with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1349A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 496. Introduced by Robak, 22.

WHEREAS, Richard Kamm was named Superintendent of the Year by the Nebraska Rural Communities Schools Association; and

WHEREAS, Mr. Kamm has been superintendent of the Lakeview High School District since it began twenty-five years ago; and

WHEREAS, Mr. Kamm will retire at the end of this school year.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Richard Kamm as he begins a new career with Platte County education issues.
2. That a copy of this resolution be sent to Mr. Kamm.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Bromm asked unanimous consent to print the following amendment to LB 903 in the Journal. No objections. So ordered.

(Amendment, AM4325, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

REPORT

Received annual report from the State Claims Board of all Tort, Miscellaneous, Contract, and Indemnification claims administered by DAS-Risk Management/State Claims Board as required in Sections 81-8,226 and 81-8,300, Reissue Revised Statutes of Nebraska, 1943.

GENERAL FILE

LEGISLATIVE BILL 1022. Title read. Considered.

Standing Committee amendment, AM3392, found in the Journal on page 1019, was considered.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mrs. Robak withdrew her amendments, AM3749 and AM3771, found in the Journal on pages 1216 and 1266.

Mrs. Robak renewed her pending amendment, AM3929, found in the Journal on page 1318.

The Robak amendment lost with 6 ayes, 15 nays, 25 present and not voting, and 3 excused and not voting

SPEAKER WITHEM PRESIDING

Advanced to E & R for review with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 901. Title read. Considered.

Standing Committee amendment, AM4019, printed separately from the Journal and referred to on page 909, was considered.

Mrs. Pirsch renewed her pending amendment, AM3892, found in the Journal on page 1308, to the Standing Committee amendment.

Mrs. Pirsch withdrew her amendment.

Mr. Lynch renewed his pending amendment, AM4239, found in the Journal on page 1671, to the Standing Committee amendment.

Mr. Lynch withdrew his amendment.

The Standing Committee amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 885. Title read. Considered.

Standing Committee amendment, AM3123, printed separately from the Journal and referred to on page 801, was considered.

Messrs. Abboud, Haberman, and Bernard-Stevens asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Abboud asked unanimous consent to print the following amendment to LB 988 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM4336.)

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 647, 1074, 1074A, 1250, 1287, 1287A, 1306, and 1306A.

VISITORS

Visitors to the Chamber were 40 eighth grade students, teacher, and principal from Lincoln Christian School; Jill Fritson from Minden; 50 fifth grade students and sponsors from Milliken Park School, Fremont; and ten students and teacher from Nebraska Wesleyan University.

RECESS

At 11:59 a.m., on a motion by Mr. Wickersham, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Dierks, Elmer, Engel, Landis, Lindsay, Mmes. McKenzie, Pirsch, Rasmussen, and Robak who were excused until they arrive.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 6, 1994, at 12:15 p.m., were the following bills: 647, 1074, 1074A, 1250, 1287, 1287A, 1306, and 1306A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1224. Placed on Select File as amended.
(E & R amendment, AM5732, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 1224A. Placed on Select File as amended.
E & R amendment to LB 1224A:
AM5734

1. On page 1, line 3, before the period insert ";
and to reduce an appropriation".

LEGISLATIVE BILL 1364. Placed on Select File as amended.
E & R amendment to LB 1364:
AM5733
1. On page 3, lines 17 and 21, strike "Operations"
and insert "Operation".
2. On page 4, line 15, strike the comma.

(Signed) Janis M. McKenzie, Chairperson

GENERAL FILE

LEGISLATIVE BILL 885. The pending Standing Committee amendment, AM3123, printed separately from the Journal, referred to on page 801, and considered on page 1748, was renewed.

The Standing Committee amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 885A. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE RESOLUTION 277CA. Read. Considered.

Standing Committee amendment, AM2977, found in the Journal on page 613, was considered.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Kristensen renewed his pending amendment, AM3212, found in the Journal on page 757, to the Standing Committee amendment.

The Kristensen amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1354. Title read. Considered.

Standing Committee amendment, AM3333, found in the Journal on page 829, was adopted with 25 ayes, 3 nays, 18 present and not voting, and 3 excused and not voting.

Messrs. Will and Hall renewed their pending amendment, AM3699, found in the Journal on page 1161.

The Will-Hall amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Will and Hall withdrew their amendment, AM3509, found in the Journal on page 1008.

Messrs. Robinson and Engel renewed their pending amendment, AM4159, found in the Journal on page 1609.

The Robinson-Engel amendment lost with 2 ayes, 14 nays, 30 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 293CA. Read. Considered.

Advanced to E & R for review with 25 ayes, 1 nay, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 833. Title read. Considered.

Standing Committee amendment, AM2586, found in the Journal on page 2807, First Session, 1993, lost with 1 aye, 12 nays, 34 present and not voting, and 2 excused and not voting.

Mr. Wickersham renewed his pending amendment, AM3773, on file in the Clerk's Office and referred to on page 1273.

MRS. CROSBY PRESIDING

Ms. Day asked unanimous consent to be excused until she returns. No objections. So ordered.

The Wickersham amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1061. Title read. Considered.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendment, AM2872, printed separately from the Journal and referred to on page 513, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Kristensen renewed his pending amendment, AM3980, found in the Journal on page 1614.

The Kristensen amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

PRESIDENT ROBAK PRESIDING

LEGISLATIVE BILL 1061A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 886. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 1118. Title read. Considered.

Standing Committee amendment, AM3135, found in the Journal on page 766, was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

STANDING COMMITTEE REPORT
Health and Human Services

The Committee on Health and Human Services desires to report favorably upon the appointments listed below. The Committee suggests

the appointments be confirmed by the Legislature and suggests a record vote.

Michael Cullen - Board of Health
Janet Haun - Commission for the Hearing Impaired
Richard McCown - Commission for the Hearing Impaired
Michael Gooch - Commission for the Hearing Impaired

VOTE: Aye: Senators Byars, Day, Dierks, Matzke, Rasmussen, and Wesely. Absent: Senator Vrtiska.

(Signed) Don Wesely, Chairperson

MESSAGE FROM THE GOVERNOR

April 6, 1994

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Educational Telecommunications Commission.

APPOINTEES:
Keith L. Blackledge
John W. White, Jr.

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:jc

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of Governor appointments.

Blackledge, Keith L. - Nebraska Educational Telecommunications Comm. -- Education

White, John W., Jr. - Nebraska Educational Telecommunications Comm. -- Education

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING
Education

Governor Appointments Tuesday, April 12, 1994 1:15 p.m.
Educational Telecommunications Commission
Keith Blackledge
John White, Jr.

(Signed) Ardyce Bohlke, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1207A. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1207, Ninety-third Legislature, Second Session, 1994; and to declare an emergency.

LEGISLATIVE BILL 833A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 833, Ninety-third Legislature, Second Session, 1994.

UNANIMOUS CONSENT - Print in Journal

Mr. Dierks asked unanimous consent to print the following amendment to LB 1223A in the Journal. No objections. So ordered.

AM4358

1. Insert the following new section:
"Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Elmer asked unanimous consent to print the following amendment to LB 1034 in the Journal. No objections. So ordered.

AM3527

1. On page 12, after line 24 insert the following new subsection:

"(4) The department may make grants to state agencies for the cost of the purchase and placement of scrap tires to serve as fish attractors and fish habitat structures. A grant under this subsection shall not exceed fifty thousand dollars in any grant period."; and in line 25 strike "(4)" and insert "(5)".

GENERAL FILE

LEGISLATIVE BILL 1175. Title read. Considered.

Mr. Hartnett offered the following amendment:
AM4355

1. On page 3, line 2, after the period insert "In the examination of any person selling tangible personal property or of any person liable for the use tax, an inquiry shall be made as to the accuracy of the reporting of city sales and use taxes for which the person is liable under the Local Option Revenue Act and the accuracy of the allocation made between the various cities and villages of the tax due.".

The Hartnett amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Mr. Moore offered the following amendment:
AM4380

1. Insert the following new sections:

"Sec. 2. That section 77-2753, Revised Statutes Supplement, 1993, be amended to read as follows:

77-2753. (1) Every employer and payor maintaining an office or transacting business within this state and making payment of any wages or other payments as defined in subsection (5) of this section which are taxable under the Nebraska Revenue Act of 1967 to any individual shall deduct and withhold from such wages for each payroll period and from such payments a tax computed in such manner as to result, so far as practicable, in withholding from the employee's wages and payments to the payee during each calendar year an amount substantially equivalent to the tax reasonably estimated to be due from the employee or payee under such act with respect to the amount of such wages and payments included in his or her taxable income during the calendar year. The method of determining the amount to be withheld shall be prescribed by rules and regulations of the Tax Commissioner. Such rules and regulations may allow withholding to be computed at a percentage of the federal withholding for gambling winnings or supplemental payments, including bonuses, commissions,

overtime pay, and sales awards which are not paid at the same time as other wages. Any withholding tables prescribed by the Tax Commissioner shall be provided to the budget division of the Department of Administrative Services and the Legislative Fiscal Analyst for review at least sixty days before the tables become effective.

(2)(a) Every payor who is either (i) making a payment or payments in excess of five thousand dollars or (ii) maintaining an office or transacting business within this state and making a payment or payments related to such business in excess of six hundred dollars, and such payment or payments are for personal services performed or to be performed substantially within this state, to a nonresident individual, other than an employee, who is not subject to withholding on such payment under the Internal Revenue Code or a corporation, partnership, or limited liability company described in subdivision (c) of this subsection, shall be deemed an employer, and the individual performing the personal services shall be deemed an employee for the purposes of this section. The payor shall deduct and withhold from such payments the percentage of such payments prescribed in subdivision (b) of this subsection. If the individual performing the personal services provides the payor with a statement of the expenses reasonably related to the personal services, the total payment or payments may be reduced by the total expenses before computing the amount to deduct and withhold, except that such reduction shall not be more than fifty percent of such payment or payments.

(b) For any payment or payments for the same service, award, or purse that totals less than twenty-eight thousand dollars, the percentage deducted from such payment or payments pursuant to this subsection shall be four percent, and for all other payments, the percentage shall be six percent.

(c) For any corporation, partnership, or limited liability company that receives compensation for personal services in this state and of which all or substantially all of the shareholders, partners, or members are the individuals performing the personal services, including, but not limited to, individual athletes, entertainers, performers, or public speakers performing such personal services, such compensation shall be deemed wages of the individuals performing the personal services and subject to the income tax imposed on individuals by the Nebraska Revenue Act of 1967.

(d) The withholding required by this subsection shall not apply to any payment to a nonresident alien, corporation, partnership, or limited liability company if such individual, shareholder, partner, or member provides the payor with a statement that the income earned is not subject to tax

because of a treaty obligation of the United States.

(3) The Tax Commissioner may enter into agreements with the tax departments of other states, which require income tax to be withheld from the payment of wages, salaries, and such other payments, so as to govern the amounts to be withheld from the wages and salaries of and other payments to residents of such states. Such agreements may provide for recognition of anticipated tax credits in determining the amounts to be withheld and, under rules and regulations adopted and promulgated by the Tax Commissioner, may relieve employers and payors in this state from withholding income tax on wages, salaries, and such other payments paid to nonresident employees and payees. The agreements authorized by this subsection shall be subject to the condition that the tax department of such other states grant similar treatment to residents of this state.

(4) The Tax Commissioner shall enter into an agreement with the United States Office of Personnel Management for the withholding of income tax imposed on individuals by the Nebraska Revenue Act of 1967 on civil service annuity payments for those recipients who voluntarily request withholding. The agreement shall be pursuant to 5 U.S.C. 8345 and the rules and regulations adopted and promulgated by the Tax Commissioner.

(5) Wages and other payments subject to withholding shall mean payments that are subject to withholding under the Internal Revenue Code of 1986 and are (a) payments made by employers to employees, except such payments subject to 26 U.S.C. 3405 or 3406, (b) payments of gambling winnings, or (c) pension or annuity payments when the recipient has requested the payor to withhold from such payments.".

2. On page 6, line 9, strike "section 77-2711," and insert "sections 77-2711 and 77-2753,"; and in line 10 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

The Moore amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 1210. Title read. Considered.

Standing Committee amendment, AM3517, printed separately from the Journal and referred to on page 1080, was considered.

Messrs. Lynch, Hartnett, Preister, Hall, Will, Lindsay, Monen, Beutler, Mmes. McKenzie, and Rasmussen withdrew their amendment,

AM3727, printed separately from the Journal and referred to on page 1272.

Messrs. Byars and Wesely renewed their pending amendment, AM4332, printed separately from the Journal and referred to on page 1709, to the Standing Committee amendment.

The Byars-Wesely amendment was adopted with 25 ayes, 0 nays, and 24 present and not voting.

Mrs. McKenzie, Messrs. Lynch, and Beutler asked unanimous consent to replace their pending amendment, AM4324, printed separately from the Journal and referred to on page 1712, with a substitute amendment. No objections. So ordered.

Mrs. McKenzie, Messrs. Lynch, and Beutler withdrew their amendment, AM4324, printed separately from the Journal and referred to on page 1712.

Mrs. McKenzie, Messrs. Lynch, and Beutler offered the following substitute amendment to the Standing Committee amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM4366.)

The McKenzie-Lynch-Beutler amendment was adopted with 26 ayes, 0 nays, and 23 present and not voting.

Mr. Hall withdrew his amendment, AM4345, printed separately from the Journal and referred to on page 1733.

Messrs. Hall and Wesely offered the following amendment to the Standing Committee amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM4375.)

The Hall-Wesely amendment was adopted with 26 ayes, 0 nays, and 23 present and not voting.

Mr. Hall offered the following amendment to the Standing Committee amendment:
FA531

Amend AM4375 as follows:

On page 13, line 11, after "hospital" insert "(1)";

On page 13, line 15, after "overnight," strike "and" and insert "(2)";

On page 13, line 17, after "and" insert "(3)" and strike "shall include any facility";

On page 13, line 22, after "et seq" insert "or which receives other third-party reimbursement for facility services."

On page 13, line 25, strike "unless the office or clinic or any part thereof meets the definition of this section";

On page 21, line 5, after "to" insert "an office or clinic used solely by a practitioner or group of practitioners in the practice of medicine, dentistry, or podiatry," and strike "health maintenance organization ambulatory care facilities or to the offices operated solely as part of the private medical practice of an independent practitioner, partnership, limited liability company, or professional corporation";

The Hall amendment was adopted with 25 ayes, 0 nays, and 24 present and not voting.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, and 22 present and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, and 22 present and not voting.

LEGISLATIVE BILL 1241. Title read. Considered.

Standing Committee amendment, AM3434, found in the Journal on page 937, was adopted with 26 ayes, 0 nays, and 23 present and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, and 23 present and not voting.

SELECT FILE

LEGISLATIVE BILL 76. Mr. Dierks offered the following amendment:
FA522
On page 9, line 21, strike two and insert three.

Mr. Dierks asked unanimous consent to replace his pending amendment, FA522, with a substitute amendment. No objections. So ordered.

Mr. Dierks withdrew his amendment, FA522.

Ms. Schimek offered the following substitute amendment:
AM4361
1. Strike original section 451 and all amendments thereto and insert the following new section:
"Sec. 459. That section 2-3214, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
2-3214. (1) District directors shall be elected ~~for four-year terms at the general election of the state. Directors shall be elected on a separate nonpartisan ballot as provided in sections 32-535 and 32-537 and shall pay no filing~~

~~fee. Nominating papers shall be filed with the Secretary of State or his or her designee.~~ as provided in section 109 of this act. Elections shall be conducted as provided in the Election Act. Registered voters residing within the district shall be eligible for nomination as candidates for any at-large position or, in those districts that have established subdistricts, as candidates from the subdistrict within which they reside.

(2) The board of directors may choose to: (a) Nominate candidates from subdistricts and from the district at large ~~which~~ who shall be elected by the ~~qualified electors~~ registered voters of the entire district; (b) nominate and elect each candidate from the district at large; or (c) nominate and elect candidates from subdistricts of substantially equal population except that any at-large candidate would be nominated and elected by the ~~qualified electors~~ registered voters of the entire district. Unless the board of directors determines that the nomination and election of all directors will be at large, the board shall, subject to the approval of the commission, strive to divide the district into subdistricts of substantially equal population, except that ~~commencing with the primary election in 1988,~~ no subdistrict shall have a population greater than three times the population of any other subdistrict within the district. Such subdistricts shall be consecutively numbered and shall be established with due regard to all factors including, but not limited to, the location of works of improvement and the distribution of population and taxable values within the district. The boundaries and numbering of such subdistricts shall be designated at least six months prior to the primary election. ~~Registered electors residing within the district shall be eligible for nomination as candidates for any at-large position or, in those districts that have established subdistricts, as candidates from the subdistrict within which they reside.~~ Unless the district has been divided into subdistricts with substantially equal population, all directors shall be elected by the ~~qualified electors~~ registered voters of the entire district and all ~~electors~~ registered voters shall vote on the candidates representing each subdistrict and any at-large candidates. If a district has been divided into subdistricts with substantially equal population, the board of directors may determine that directors shall be elected only by the ~~electors~~ registered voters of the subdistrict except that an at-large director may be elected by ~~electors~~ registered voters of the entire district.

~~(2)~~ (3) Except in ~~those~~ districts which have ~~elected~~ chosen to have a single director serve from each subdistrict, the number of subdistricts for a district shall equal a number

which is one less than a majority of directors for the district. In ~~those~~ districts which have ~~elected~~ chosen to have a single director serve from each subdistrict, the number of subdistricts shall equal a number which is equal to the total number of directors of the district or which is one less than the total number of directors for the district if there is an at-large candidate. ~~The ballots shall list each nomination subdistrict and candidates therefrom and also the at-large candidates. In those districts which have chosen to nominate and elect each candidate from the district at large, the ballot shall indicate that all of the candidates are at-large candidates. Registered electors may each cast a number of votes not larger than the total number of directors to be elected. The candidate receiving the most votes in each listed subdistrict, or the district at large when applicable, shall be elected. Whenever~~ If the number of directors to be elected exceeds the number of subdistricts~~,~~ or ~~whenever~~ if the term of the at-large director expires in ~~those~~ districts which have ~~elected~~ chosen to have a single director serve from each subdistrict, candidates may file as a candidate from the district at large. Registered voters may each cast a number of votes not larger than the total number of directors to be elected. ~~, in which case the ballots shall list such candidates under an appropriate heading.~~

~~(3) The Secretary of State shall certify to the county clerk or election commissioner involved the names of the candidates on a sample ballot. The county clerk or election commissioner shall have the necessary ballots printed and distributed to the designated polling places. Local election judges shall determine the appropriate ballot for voters. All registered electors who have legal residence in the district shall be eligible to vote. The county clerk or election commissioner shall forward to the Secretary of State pursuant to law the official canvass of the votes cast in the county for directors. The state canvassing board shall canvass the results of the election of directors for natural resources districts. The Secretary of State shall mail an election certificate to each candidate elected.~~

(4) Elected directors shall take their oath of office in the same manner provided for county officials.

~~(4) The Secretary of State and the county clerk or election commissioner shall have the power and authority to do those things necessary to carry out the provisions and intent of this section. Except as otherwise provided in this section, the district, after each primary or general election, shall pay to each county wherein the name of one or more candidates appears upon the ballot the following election expenses: (a) Counties having a population of less than three thousand inhabitants, fifty dollars; (b) counties having a~~

~~population of three thousand but less than nine thousand inhabitants, one hundred dollars; (c) counties having a population of nine thousand but less than fourteen thousand inhabitants, one hundred twenty-five dollars; (d) counties having a population of fourteen thousand but less than twenty thousand inhabitants, one hundred fifty dollars; (e) counties having a population of twenty thousand but less than sixty thousand inhabitants, one hundred seventy-five dollars; (f) counties having a population of sixty thousand but less than one hundred thousand inhabitants, seven hundred fifty dollars; (g) counties having a population of one hundred thousand but less than two hundred thousand inhabitants, fifteen hundred dollars; and (h) counties having a population of two hundred thousand inhabitants or more, two thousand fifty dollars. When the name of one or more candidates of a district appears on ballots in less than one-half of the precincts of the counties, the cost to the district shall be no more than fifty percent of the expenses established by this section. If the actual expenses to the county in district elections provided for in this section are less than the amounts established in this section, such actual expenses shall be the amount paid by the district to the county. The population of a county for purposes of this section shall be the population as determined by the most recent federal decennial census.~~

~~In addition to the costs above provided, the natural resources district shall pay the publication cost of the sample primary and general election ballots appearing in the newspaper and shall pay the actual printing costs for the official ballots used for the election. Election expenses shall be due and payable for each natural resources district within thirty days after the receipt of the statement from the county.~~

~~(5) The district shall furnish to the Secretary of State and county clerk or election commissioner such maps and additional information as they may reasonably require in the proper performance of their duties in the conduct of elections and certification of the results of the same.~~

~~(6)~~ (5) Subject to the approval of the commission and at least six months prior to the primary election, the board of directors may ~~elect~~ choose to have a single director serve from each subdistrict.

(6) The board of directors shall certify to the Secretary of State and the election commissioners or county clerks the number of directors to be elected at each election and the length of their terms as provided in section 96 of this act.".

2. In the Schimek amendment, AM3044, on page 14, line 12; and page 17, line 12, strike "subsection (2) of".

Mr. Moore moved the previous question. The question is, "Shall the debate now close?"

Mr. Moore moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Lindsay requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 21:

Bohlke	Day	Hudkins	Moore	Vrtiska
Bromm	Dierks	Jones	Pirsch	Warner
Byars	Engel	Matzke	Robak	Wickersham
Coordsen	Haberman	McKenzie	Schmitt	Witek
Crosby				

Voting in the negative, 19:

Ashford	Chambers	Kristensen	Monen	Wehrbein
Avery	Cudaback	Landis	Pedersen	Wesely
Bernard-Stevens	Hall	Lindsay	Rasmussen	Will
	Hillman	Lynch	Schimek	Withem

Present and not voting, 9:

Abboud	Elmer	Hartnett	Preister	Schellpeper
Beutler	Fisher	Janssen	Robinson	

The motion to cease debate lost with 21 ayes, 19 nays, and 9 present and not voting.

The Chair declared the call raised.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Schimek amendment was adopted with 27 ayes, 11 nays, and 11 present and not voting.

Mr. Coordsen withdrew his amendment, FA473, found in the Journal on page 1470.

Mr. Avery and Ms. Schimek withdrew their amendment, AM4098, found in the Journal on page 1529.

Mr. Chambers moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 46:

Abboud	Crosby	Hudkins	Monen	Schimek
Ashford	Cudaback	Janssen	Moore	Schmitt
Avery	Day	Jones	Pedersen	Vrtiska
Bernard-Stevens	Dierks	Kristensen	Pirsch	Warner
Beutler	Elmer	Landis	Preister	Wehrbein
Bohlke	Engel	Lindsay	Rasmussen	Wickersham
Bromm	Fisher	Lynch	Robak	Will
Byars	Haberman	Matzke	Robinson	Witek
Coordsen	Hartnett	McKenzie	Schellpeper	Withem
	Hillman			

Voting in the negative, 3:

Chambers	Hall	Wesely

Not voting, 0.

Advanced to E & R for engrossment with 46 ayes, 3 nays, and 0 not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 76A. Ms. Schimek offered the following amendment:
AM3967

1. Insert the following new sections:

"Sec. 2. There is hereby appropriated (1) $63,578 from the General Fund and $63,579 from federal funds for FY1994-95 and (2) $81,847 from the General Fund and $81,848 from federal funds for FY1995-96 to the Department of Social Services, for Program 341, to aid in carrying out the provisions of Legislative Bill 76, Ninety-third Legislature, Second Session, 1994.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $51,549 for FY1994-95 or $108,259 for FY1995-96.

Sec. 3. There is hereby appropriated (1) $22,306 from the General Fund for FY1994-95 and (2) $16,520 from the General Fund for FY1995-96 to the Department of Motor Vehicles, for Program 70, to aid in carrying out the provisions of Legislative Bill 76, Ninety-third Legislature, Second Session, 1994.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section

shall not exceed $3,754 for FY1994-95 or $-0- for FY1995-96.

Sec. 4. There is hereby appropriated (1) $9,036 from the General Fund for FY1994-95 and (2) $5,950 from the General Fund for FY1995-96 to the Department of Public Institutions, for Program 33, to aid in carrying out the provisions of Legislative Bill 76, Ninety-third Legislature, Second Session, 1994.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 5. There is hereby appropriated (1) $6,567 from the General Fund and $4,650 from the Department of Health Cash Fund for FY1994-95 and (2) $3,375 from the General Fund and $9,300 from the Department of Health Cash Fund for FY1995-96 to the Department of Health, for Program 177, to aid in carrying out the provisions of Legislative Bill 76, Ninety-third Legislature, Second Session, 1994.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 6. There is hereby appropriated (1) $16,760 from the General Fund for FY1994-95 and (2) $33,519 from the General Fund for FY1995-96 to the Department of Health, for Program 514, to aid in carrying out the provisions of Legislative Bill 76, Ninety-third Legislature, Second Session, 1994.

There is included in the appropriation to this program for FY1994-95 $16,760 General Funds for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY1995-96 $33,519 General Funds for state aid, which shall only be used for such purpose.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 7. There is hereby appropriated (1) $361 from the General Fund and $1,335 from federal funds for FY1994-95 and (2) $180 from the General Fund and $663 from federal funds for FY1995-96 to the State Department of Education, for Program 351, to aid in carrying out the provisions of Legislative Bill 76, Ninety-third Legislature, Second Session, 1994.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 8. There is hereby appropriated $3,000 from the General Fund for FY1994-95 to the Supreme Court, for Program 52, to aid in carrying out the provisions of Legislative Bill 76, Ninety-third Legislature, Second Session,

1994.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

2. On page 2, line 1, strike "$55,700" and insert "$73,000"; in line 2 strike "$46,150" and insert "$61,750" and after the second "Fund" insert "and $5,000 from the Administration Cash Fund"; and in line 8 strike both occurrences of "$35,000" and insert "$45,800".

The Schimek amendment was adopted with 32 ayes, 0 nays, and 17 present and not voting.

Advanced to E & R for engrossment.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 907. Mr. Withem withdrew his pending motion, found in the Journal on page 1726, to indefinitely postpone.

Pending.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 647 on Final Reading.

(Signed) Jessie K. Rasmussen

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 886A. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 886, Ninety-third Legislature, Second Session, 1994.

UNANIMOUS CONSENT - Print in Journal

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 988A in the Journal. No objections. So ordered.

AM4370

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 8. That Laws 1993, LB 541, section 138, as

amended by section 2, Legislative Bill 677A, Ninety-third Legislature, Second Session, 1994, is repealed.

Sec. 9. That Laws 1993, LB 541, section 138, as amended by section 120, Legislative Bill 991, Ninety-third Legislature, Second Session, 1994, is repealed.".

2. On page 3, after line 4 insert:

"No. 375 - Diagnostic and Evaluation Center"; and after line 22 insert:

"(1) If Legislative Bill 677A, Ninety-third Legislature, Second Session, 1994, is enacted into law, (a) the General Fund appropriation to the Department of Correctional Services, for Program 360, shall be reduced by $161,042 for FY1994-95, (b) total expenditures for permanent and temporary salaries and per diems to the Department of Correctional Services, for Program 360, shall be reduced by $109,281 for FY1994-95, and (c) section 8 of this act shall become operative.

(2) If Legislative Bill 991, Ninety-third Legislature, Second Session, 1994, is enacted into law, (a) the General Fund appropriation to the Department of Correctional Services, for Program 360, shall be reduced by $1,778,435 for FY1993-94, (b) the Revolving Fund appropriation to the Department of Correctional Services, for Program 360, shall be reduced by $99,496 for FY1993-94, (c) there is hereby appropriated $679,364 from the General Fund to the Department of Correctional Services, for Program 360, for FY1994-95, (d) there is hereby appropriated $99,496 from Revolving Funds to the Department of Correctional Services, for Program 360, for FY1994-95, (e) total expenditures for permanent and temporary salaries and per diems to the Department of Correctional Services, for Program 360, from funds appropriated in this subdivision shall not exceed $458,920 for FY1994-95, (f) there is included in the appropriation to the Department of Correctional Services, for Program 360, for FY1994-95 $536,074 General Funds and $99,496 Revolving Funds for twenty-one additional staff positions, which shall only be used for such purpose; and (g) section 9 of this act shall become operative.

(3) If Legislative Bill 991, Ninety-third Legislature, Second Session, 1994, is enacted into law, (a) the General Fund appropriation to the Department of Correctional Services, for Program 360, shall be reduced by $45,880 for FY1994-95, (b) total expenditures for permanent and temporary salaries and per diems to the Department of Correctional Services, for Program 360, shall be reduced by $33,504 for FY1994-95, (c) there is hereby appropriated $45,880 from the General Fund for FY1994-95 to the Department of Correctional Services, for Program 250, and (d) total expenditures for permanent and temporary salaries and per diems to the Department of Correctional Services, for Program

250, from funds appropriated in this subdivision shall not exceed $33,504 for FY1994-95.".

3. On page 6, line 23, after the third comma insert "as amended by section 174, Legislative Bill 991, Ninety-third Legislature, Second Session, 1994,".

4. Renumber the remaining section accordingly.

Mr. Kristensen asked unanimous consent to print the following amendment to LB 885A in the Journal. No objections. So ordered.

AM4371

1. On page 2, line 3, strike "Tax Appeals and Equalization" and insert "Tax Equalization and Review".

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 1034 in the Journal. No objections. So ordered.

AM4374

(Amendments to Standing Committee amendments, AM3959)

1. On page 11, lines 22 and 23, reinstate the stricken matter; and in line 24 strike the new matter and reinstate the stricken matter.

2. On page 12, reinstate the stricken matter beginning with "The" in line 1 through "by" in line 3; in line 3 after the reinstated "by" insert "a majority of council members"; reinstate the stricken matter beginning with "eligible" in line 4 through line 10; and in lines 22 and 25 reinstate "council" and strike "director".

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 1224 in the Journal. No objections. So ordered.

AM3879

1. Insert the following new sections:

"Sec. 38. That section 33-110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-110. (1) County clerks shall receive no fee for the performance of the following services: For issuing certificates of election; for performing the duties of clerk of the county board; for taking acknowledgments of claims against the county; for attesting or certifying any document authorized by the county board or required by the departments of the state; or for recording Army or Navy discharges or furnishing certified copies thereof to be used in connection with any claim for compensation or disability. A charge of twenty-five cents shall be made for each certificate and seal not herein excepted. Such fees collected shall be credited to the county general fund.

(2) County clerks shall receive a fee of ~~ten~~

twenty-five dollars for the entire proceedings of issuing a marriage license, administering the related oaths or affirmations, and recording a marriage certificate. An additional fee of five dollars shall be made for each certified copy of a marriage record on file in the office of the county clerk. ~~Both~~ The county clerk shall remit fifteen dollars of each twenty-five-dollar fee collected to the State Treasurer no later than the fifteenth of each month for credit to the Domestic Violence and Sexual Assault Prevention Cash Fund. The remainder of such fees shall be deposited in the county general fund.

Sec. 49. That section 42-901, Revised Statutes Supplement, 1992, be amended to read as follows:

42-901. Sections 42-901 to 42-929 and section 50 of this act shall be known and may be cited as the Protection from Domestic Abuse Act.

Sec. 50. The Domestic Violence and Sexual Assault Prevention Cash Fund is hereby created. The fund shall be administered by the department. The department shall determine the programs and services provided pursuant to sections 42-904 and 42-905 which are eligible for reimbursement from the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.".

2. On page 82, line 26 after the last comma insert "33-110,"; and in line 28 after the fourth comma insert "42-901,".

3. Renumber the remaining sections and correct internal references accordingly so that the sections added by this amendment become operative on their effective date.

Mr. Lindsay asked unanimous consent to print the following amendment to LB 1207 in the Journal. No objections. So ordered.

(Amendment, AM4365, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

EASE

The Legislature was at ease from 6:04 p.m. until 6:59 p.m.

UNANIMOUS CONSENT - Member Excused

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 944. Title read. Considered.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Ms. Schimek, Messrs. Withem, Lindsay, Schellpeper, Abboud, Hartnett, Kristensen, Wickersham, Wesely, Hall, Moore, and Mrs. Bohlke offered the following amendment:
AM4219

1. Insert the following new section:

"Sec. 6. The Executive Board of the Legislative Council shall develop procedures to guide and govern the ethical considerations of members of the Legislature. Such procedures shall supplement the provisions of the Nebraska Political Accountability and Disclosure Act, and shall be designed to provide members additional assistance in responding to ethical considerations.".

2. On page 5, strike beginning with "may" in line 7 through line 9 and insert "shall not contribute to, act as an agent or intermediary for contributions to, or arrange for the making of contributions to the campaign funds of the Governor, the Lieutenant Governor, the Secretary of State, the Auditor of Public Accounts, the State Treasurer, the Attorney General, member of the Legislature, or candidates for any of such offices on any day during the regular or special legislative session and, in the case of the Governor or a gubernatorial candidate, during the five days allowed for the signing of bills following the adjournment of a regular or special legislative session."; and strike beginning with "shall" in line 13 through the period in line 15 and insert "shall not contribute to, act as an agent or intermediary for contributions to, or arrange for the making of contributions to the campaign funds of the Governor, the Lieutenant Governor, the Secretary of State, the Auditor of Public Accounts, the State Treasurer, the Attorney General, member of the Legislature, or candidates for any of such offices on any day during the regular or special legislative session and, in the case of the Governor or a gubernatorial candidate, during the five days allowed for the signing of bills following the adjournment of a regular or special legislative session.".

3. On page 6, line 13, strike ", if five dollars or more,"; strike beginning with "legislator" in line 16 through "reported" in line 22 and insert "member or members of the Legislature".

4. Renumber the remaining sections accordingly.

Mr. Withem requested a division of the question on the Schimek et al. amendment.

The Chair sustained the division of the question.

The first Schimek et al. amendment is as follows:
FA532

3. On page 6, line 13, strike ", if five dollars or more,"; strike beginning with "legislator" in line 16 through "reported" in line 22 and insert "member or members of the Legislature".

4. Renumber the remaining sections accordingly.

Mr. Bromm offered the following amendment to the first Schimek et al. pending amendment:
AM4189

1. On page 6, line 22, after "reported" insert ". If the expenditure was for a public event to which all legislators were invited, the statement shall report only the prorated amount of the expenditure on legislators as a whole, rather than individually, in connection with such public event".

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Withem requested a ruling of the Chair on whether the Bromm amendment is germane to the first Schimek et al. amendment.

The Chair ruled the Bromm amendment is germane to the first Schimek et al. amendment.

Mr. Fisher asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bernard-Stevens moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 6 nays, and 23 not voting.

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

Mr. Bromm moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. Bromm requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Bromm	Cudaback	Hudkins	Jones	Preister
Byars	Dierks	Janssen	Matzke	Schmitt

Voting in the negative, 28:

Abboud	Bohlke	Hillman	Moore	Wehrbein
Ashford	Chambers	Kristensen	Pedersen	Wesely
Avery	Coordsen	Lindsay	Rasmussen	Wickersham
Bernard-Stevens	Day	Lynch	Schellpeper	Will
	Haberman	McKenzie	Schimek	Withem
Beutler	Hall	Monen	Warner	

Present and not voting, 5:

Crosby	Elmer	Engel	Hartnett	Vrtiska

Excused and not voting, 6:

Fisher	Pirsch	Robak	Robinson	Witek
Landis				

The Bromm amendment lost with 10 ayes, 28 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Will asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment to the first Schimek et al. pending amendment:
FA536

Amend FA532: P.2, line 11, after "Legislature", ADD:

There is hereby created the Nebraska Ethics in Government Committee consisting of twelve members appointed by the Governor no later than August 1, 1994. Each member shall certify that he or she is ethical.

"The Committee shall have subpoena power and authority thereunder to summon any public official whether elected or appointed, for the purpose of examining him or her regarding any and all aspects of his or her ethics. Such examination may include but shall not be limited to the use of thumbscrews, iron boots, heated probes and tongs, boiling oil and other suitable liquids, and the rack. Each device, substance or process shall be known as a procedure. No more than three procedures shall be applied during any one examination episode and no examination episode shall last longer than two hours. At least twenty-four hours shall elapse between examination episodes.

Examination episodes may be repeated until a majority of the Committee is satisfied that all necessary information has been culled. In no case shall any person be subjected to more than four examination episodes within a seven-day period except upon a vote of two-thirds of the Committee. Violation of these provisions is no big thing and shall not be punished.

Mr. Chambers withdrew his amendment.

Mr. Pedersen and Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The first Schimek et al. amendment was adopted with 30 ayes, 4 nays, 7 present and not voting, and 8 excused and not voting.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mrs. Hillman asked unanimous consent to print the following amendment to LB 1188 in the Journal. No objections. So ordered.

AM4234

1. Insert the following new sections:

"Section 1. That section 77-27,142.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,142.03. (1) Whenever, at least forty-five days prior to any city, county, or state election, the qualified electors of any municipality, equal in number to ten percent of the votes cast at the last preceding municipal election, shall petition the governing body to submit such question, it shall be the duty of the governing body to submit the question at the next primary, general, or special election.

(2) The question of imposing a sales and use tax which has been submitted to the electors and failed shall not be submitted to the electors of an incorporated municipality ~~more often than once every~~ again until twenty-three months after such failure.

Sec. 2. That original section 77-27,142.03, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1210A. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1210, Ninety-third Legislature, Second Session, 1994.

MOTION - Adjournment

Mr. Haberman moved to adjourn until 9:00 a.m., Thursday, April 7, 1994. The motion lost with 3 ayes, 27 nays, 11 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 944. The second Schimek et al. amendment is as follows:
FA533

2. On page 5, strike beginning with "may" in line 7 through line 9 and insert "shall not contribute to, act as an agent or intermediary for contributions to, or arrange for the making of contributions to the campaign funds of the Governor, the Lieutenant Governor, the Secretary of State, the Auditor of Public Accounts, the State Treasurer, the Attorney General, member of the Legislature, or candidates for any of such offices on any day during the regular or special legislative session and, in the case of the Governor or a gubernatorial candidate, during the five days allowed for the signing of bills following the adjournment of a regular or special legislative session."; and strike beginning with "shall" in line 13 through the period in line 15 and insert "shall not contribute to, act as an agent or intermediary for contributions to, or arrange for the making of contributions to the campaign funds of the Governor, the Lieutenant Governor, the Secretary of State, the Auditor of Public Accounts, the State Treasurer, the Attorney General, member of the Legislature, or candidates for any of such offices on any day during the regular or special legislative session and, in the case of the Governor or a gubernatorial candidate, during the five days allowed for the signing of bills following the adjournment of a regular or special legislative session.".

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The second Schimek et al. amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

The third Schimek et al. amendment is as follows:
FA534

1. Insert the following new section:
"Sec. 6. The Executive Board of the Legislative Council shall develop procedures to guide and govern the ethical considerations of members of the Legislature. Such procedures shall supplement the provisions of the Nebraska Political Accountability and Disclosure Act, and shall be designed to provide members additional assistance in responding to ethical considerations.".

The third Schimek et al. amendment was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 944A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

VISITORS

Visitors to the Chamber were Senator Jones' wife, Pat, from Eddyville, Pat Nelson, Bonnie Myers, Margaret Smith, Roberta Williams, Verlie Larson, Gerri Kulhanek, and Berniece Zimmerman from Broken Bow, and Marilyn Reigert from Lincoln; Glenda Reimer; 50 fourth grade students and sponsor from Blumfield Elementary School, Ralston; and 50 fourth grade students and sponsor from Fort Calhoun Elementary School.

The Doctor of the Day was William Doering from Franklin.

ADJOURNMENT

At 10:54 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Thursday, April 7, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-FOURTH DAY - APRIL 7, 1994

LEGISLATIVE JOURNAL

FIFTY-FOURTH DAY - APRIL 7, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 7, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Douglas Roberts, Northwest Hills Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Avery, Bernard-Stevens, Chambers, Engel, Hall, Kristensen, Landis, Lindsay, Moore, Will, Mmes. Pirsch, Rasmussen, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-third day was approved.

UNANIMOUS CONSENT - Members Excused

Messrs. Haberman and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Suspend Rules

Mr. Withem moved to suspend Rule 6, Section 7(b), to permit Final Reading of LB 991e and LB 1045.

Mr. Withem moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Withem motion to suspend the rules prevailed with 31 ayes, 0 nays, 2 present and not voting, and 16 excused and not voting.

The Chair declared the call raised.

SPEAKER WITHEM PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 991. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1991, LB 847, sections 20 and 21, as amended by sections 47 and 48, respectively, Legislative Bill 1, Ninety-second Legislature, Third Special Session, 1992; Laws 1992, LB 1022, section 77, as amended by section 71, Legislative Bill 1, Ninety-second Legislature, Third Special Session, 1992; Laws 1993, LB 105A, section 1; Laws 1993, LB 138A, section 2; Laws 1993, LB 305A, section 1; Laws 1993, LB 325A, section 113; Laws 1993, LB 326, sections 7, 8, and 97; Laws 1993, LB 327, sections 6 to 12 and 15 to 18; Laws 1993, LB 329, sections 11, 12, 13, 16, 34, 35, and 38; Laws 1993, LB 330, section 44; Laws 1993, LB 348A, section 3; Laws 1993, LB 520A, sections 4 and 5; Laws 1993, LB 541, sections 7 to 17, 20 to 22, 24 to 26, 28, 33, 36, 40 to 42, 46, 50, 51, 58 to 63, 65, 73, 77, 79, 83, 84, 86, 87, 90 to 95, 97 to 99, 101, 104, 106, 107, 108, 110 to 114, 116, 117, 120 to 124, 126, 128, 130 to 133, 135, 138 to 140, 145, 147, 148, 152, 154, 155, 160, 161, 169, 170, 173, 176, 180 to 186, 188, 190 to 195, 197 to 205, 208 to 210, 212, 213, 215, 216, 218, 220, 221, 225 to 227, 229, and 236; Laws 1993, LB 588A, section 2; Laws 1993, LB 627A, section 1; and Laws 1993, LB 798A, section 1; to state intent; to define terms; to change and eliminate appropriations as prescribed; to provide for deficit appropriations; to appropriate funds for the expenses of state government, postsecondary education, capital construction, and state aid; to transfer funds; to repeal the original sections, and also Laws 1993, LB 325A, sections 1 to 111 and 114 to 174; Laws 1993, LB 541, section 246; and Laws 1993, LB 832A, section 1; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Ashford	Bromm	Day	Hillman	Lynch
Bernard-Stevens	Byars	Dierks	Hudkins	Matzke
Beutler	Coordsen	Elmer	Janssen	McKenzie
Bohlke	Crosby	Engel	Kristensen	Moore
	Cudaback	Hartnett	Landis	Pedersen

Preister	Robak	Vrtiska	Wehrbein	Wickersham
Rasmussen	Schimek	Warner	Wesely	Withem

Voting in the negative, 8:

Fisher	Lindsay	Robinson	Schmitt	Witek
Jones	Pirsch	Schellpeper		

Present and not voting, 1:

Monen

Excused and not voting, 6:

Abboud	Chambers	Haberman	Hall	Will
Avery				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1045.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Supplement, 1993; to provide for a transfer from such fund to the Job Training Cash Fund; to eliminate certain transfer provisions relating to the Cash Reserve Fund; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Ashford	Crosby	Hillman	Matzke	Schellpeper
Avery	Cudaback	Hudkins	McKenzie	Schmitt
Bernard-Stevens	Day	Janssen	Moore	Vrtiska
	Dierks	Jones	Pedersen	Warner
Beutler	Elmer	Kristensen	Pirsch	Wehrbein
Bohlke	Engel	Landis	Preister	Wickersham
Bromm	Fisher	Lindsay	Rasmussen	Witek
Byars	Hartnett	Lynch	Robak	Withem
Coordsen				

Voting in the negative, 1:

Wesely

Present and not voting, 3:

Monen	Robinson	Schimek

Excused and not voting, 5:

Abboud	Chambers	Haberman	Hall	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1311.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-490, Revised Statutes Supplement, 1993; to change provisions relating to transportation allowances; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Ashford	Crosby	Jones	Moore	Schmitt
Avery	Cudaback	Kristensen	Pedersen	Vrtiska
Bernard-Stevens	Day	Landis	Pirsch	Warner
Beutler	Dierks	Lindsay	Preister	Wehrbein
Bohlke	Elmer	Lynch	Robak	Wesely
Bromm	Hartnett	Matzke	Robinson	Wickersham
Byars	Hillman	McKenzie	Schellpeper	Witek
Coordsen	Hudkins	Monen	Schimek	Withem
	Janssen			

Voting in the negative, 0.

Present and not voting, 3:

Engel	Fisher	Rasmussen

Excused and not voting, 5:

Abboud	Chambers	Haberman	Hall	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1006. With Emergency.

A BILL FOR AN ACT relating to the Department of Administrative Services; to create a fund for employee training as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Ashford	Crosby	Hudkins	Monen	Schimek
Avery	Cudaback	Janssen	Moore	Schmitt
Bernard-Stevens	Day	Jones	Pedersen	Vrtiska
Beutler	Dierks	Kristensen	Pirsch	Warner
Bohlke	Elmer	Landis	Preister	Wehrbein
Bromm	Engel	Lindsay	Rasmussen	Wesely
Byars	Fisher	Lynch	Robak	Wickersham
Coordsen	Hartnett	Matzke	Robinson	Witek
	Hillman	McKenzie	Schellpeper	Withem

Voting in the negative, 0.

Excused and not voting, 5:

Abboud	Chambers	Haberman	Hall	Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1006A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1006, Ninety-third Legislature, Second Session, 1994; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Ashford	Bromm	Dierks	Hudkins	Lynch
Avery	Byars	Elmer	Janssen	Matzke
Bernard-Stevens	Coordsen	Engel	Jones	McKenzie
Beutler	Crosby	Fisher	Kristensen	Monen
Bohlke	Cudaback	Hartnett	Landis	Moore
	Day	Hillman	Lindsay	Pedersen

Pirsch	Robak	Schimek	Warner	Wickersham
Preister	Robinson	Schmitt	Wehrbein	Witek
Rasmussen	Schellpeper	Vrtiska	Wesely	Withem

Voting in the negative, 0.

Excused and not voting, 5:

Abboud	Chambers	Haberman	Hall	Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1194.

A BILL FOR AN ACT relating to funds; to amend sections 81-1201.01 and 83-129, Reissue Revised Statutes of Nebraska, 1943, and sections 66-4,100, 80-301, and 80-301.02, Revised Statutes Supplement, 1992; to create funds; to authorize the administrative establishment of funds; to provide for use of the funds; to eliminate a transfer of funds; to harmonize provisions; and to repeal the original sections, and also section 80-301.01, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Ashford	Crosby	Hudkins	Monen	Schimek
Avery	Cudaback	Janssen	Moore	Schmitt
Bernard-Stevens	Day	Jones	Pedersen	Vrtiska
	Dierks	Kristensen	Pirsch	Warner
Beutler	Elmer	Landis	Preister	Wehrbein
Bohlke	Engel	Lindsay	Rasmussen	Wesely
Bromm	Fisher	Lynch	Robak	Wickersham
Byars	Hartnett	Matzke	Robinson	Witek
Coordsen	Hillman	McKenzie	Schellpeper	Withem

Voting in the negative, 0.

Excused and not voting, 5:

Abboud	Chambers	Haberman	Hall	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1211. With Emergency.

A BILL FOR AN ACT relating to funds; to amend sections 48-1,102, 48-1,103, and 81-8,239.04, Reissue Revised Statutes of Nebraska, 1943, and sections 81-8,239.02 and 81-8,239.03, Revised Statutes Supplement, 1992; to create a fund; to rename a fund; to provide powers and duties for the Risk Manager; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Ashford	Crosby	Janssen	Moore	Schmitt
Avery	Cudaback	Jones	Pedersen	Vrtiska
Bernard-Stevens	Day	Kristensen	Pirsch	Warner
Beutler	Dierks	Landis	Preister	Wehrbein
Bohlke	Elmer	Lindsay	Rasmussen	Wesely
Bromm	Fisher	Lynch	Robak	Wickersham
Byars	Hartnett	Matzke	Robinson	Witek
Coordsen	Hillman	McKenzie	Schellpeper	Withem
	Hudkins	Monen	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Engel

Excused and not voting, 5:

Abboud	Chambers	Haberman	Hall	Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1211A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1993, LB 541, section 181; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1211, Ninety-third Legislature, Second Session, 1994; to change appropriations; to state intent; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Ashford	Crosby	Hudkins	Monen	Schmitt
Avery	Cudaback	Janssen	Moore	Vrtiska
Bernard-Stevens	Day	Jones	Pirsch	Warner
Beutler	Dierks	Kristensen	Preister	Wehrbein
Bohlke	Elmer	Landis	Rasmussen	Wesely
Bromm	Engel	Lindsay	Robak	Wickersham
Byars	Fisher	Lynch	Robinson	Witek
Coordsen	Hartnett	Matzke	Schellpeper	Withem
	Hillman	McKenzie	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Pedersen

Excused and not voting, 5:

Abboud	Chambers	Haberman	Hall	Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 314.

A BILL FOR AN ACT relating to fees; to amend section 33-151, Reissue Revised Statutes of Nebraska, 1943, and section 33-150, Revised Statutes Supplement, 1993; to change the percentage amount of certain fees credited to the General Fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Avery	Coordsen	Elmer	Janssen	Lynch
Beutler	Crosby	Fisher	Jones	Matzke
Bohlke	Cudaback	Hartnett	Kristensen	McKenzie
Bromm	Day	Hillman	Landis	Monen
Byars	Dierks	Hudkins	Lindsay	Moore

Pedersen	Robak	Schimek	Warner	Wickersham
Pirsch	Robinson	Schmitt	Wehrbein	Witek
Preister	Schellpeper	Vrtiska	Wesely	Withem
Rasmussen				

Voting in the negative, 0.

Present and not voting, 3:

Ashford	Bernard-Stevens	Engel

Excused and not voting, 5:

Abboud	Chambers	Haberman	Hall	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 971.

A BILL FOR AN ACT relating to law enforcement; to amend sections 14-709, 23-1701.01, 81-1404, 81-1406, 81-1407, 81-1411, 81-1413, 81-1414, 81-1417, 81-1418, 81-1419, 81-1422, 81-1423, and 81-1439, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1403 and 81-1410, Revised Statutes Supplement, 1992; to change and eliminate provisions relating to the training of law enforcement officers and the responsibility for the Nebraska Law Enforcement Training Center; to change the powers and duties of and membership provisions relating to the Nebraska Police Standards Advisory Council and the Nebraska Commission on Law Enforcement and Criminal Justice; to eliminate a provision on transfer of property; to harmonize provisions; and to repeal the original sections, and also sections 81-1412 and 81-1427, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Avery	Crosby	Hudkins	McKenzie	Robinson
Bernard-Stevens	Cudaback	Janssen	Monen	Schellpeper
Beutler	Day	Jones	Moore	Schimek
Bohlke	Dierks	Kristensen	Pedersen	Schmitt
Bromm	Elmer	Landis	Pirsch	Vrtiska
Byars	Engel	Lindsay	Preister	Warner
Coordsen	Fisher	Lynch	Rasmussen	Wehrbein
	Hartnett	Matzke	Robak	Wesely

Wickersham Witek Withem

Voting in the negative, 0.

Present and not voting, 2:

Ashford Hillman

Excused and not voting, 5:

Abboud Chambers Haberman Hall Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 971A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 971, Ninety-third Legislature, Second Session, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Avery	Cudaback	Janssen	Moore	Schmitt
Bernard-Stevens	Day	Jones	Pedersen	Vrtiska
Beutler	Dierks	Kristensen	Pirsch	Warner
Bohlke	Elmer	Landis	Preister	Wehrbein
Bromm	Engel	Lindsay	Rasmussen	Wesely
Byars	Fisher	Lynch	Robak	Wickersham
Coordsen	Hartnett	Matzke	Robinson	Witek
Crosby	Hillman	McKenzie	Schellpeper	Withem
	Hudkins	Monen	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Ashford

Excused and not voting, 5:

Abboud Chambers Haberman Hall Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 665. With Emergency.

A BILL FOR AN ACT relating to civil actions; to state intent; to define terms; to authorize the award of damages, costs, and attorney's fees in actions involving public petition and participation as prescribed; to provide procedures relating to such actions; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Avery	Cudaback	Janssen	Moore	Schimek
Bernard-Stevens	Day	Jones	Pedersen	Schmitt
Beutler	Dierks	Kristensen	Pirsch	Vrtiska
Bohlke	Elmer	Landis	Preister	Warner
Bromm	Engel	Lindsay	Rasmussen	Wehrbein
Byars	Fisher	Lynch	Robak	Wesely
Coordsen	Hartnett	Matzke	Robinson	Wickersham
Crosby	Hillman	McKenzie	Schellpeper	Withem
	Hudkins	Monen		

Voting in the negative, 0.

Present and not voting, 2:

Ashford Witek

Excused and not voting, 5:

Abboud Chambers Haberman Hall Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 991, 1045, 1311, 1006, 1006A, 1194, 1211, 1211A, 314, 971, 971A, and 665.

MOTION - Return LB 988 to Select File

Mr. Avery moved to return LB 988 to Select File for his specific amendment, FA399, found in the Journal on page 947.

Mr. Avery asked unanimous consent to replace his motion to return and his pending amendment, FA399, found in the Journal on page 947, with a substitute motion and amendment. No objections. So ordered.

Mr. Avery withdrew his motion to return and his amendment, FA399, found in the Journal on page 947.

Mr. Lindsay moved the substitute motion to return LB 988 to Select File for the Lindsay-Bernard-Stevens-Schellpeper-Avery specific amendment, AM4092, found in the Journal on page 1527.

The Lindsay motion to return prevailed with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 988. The Lindsay et al. specific amendment, AM4092, found in the Journal on page 1527, was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendments to LB 988

Mr. Ashford withdrew his amendment, AM3569, found in the Journal on page 1075, to LB 988.

Messrs. Ashford and Will withdrew their amendment, AM3568, found in the Journal on page 1075, to LB 988.

MOTION - Return LB 988 to Select File

Mr. Abboud moved to return LB 988 to Select File for the following specific amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM4379.)

Mr. Abboud withdrew his motion to return.

Mrs. Hudkins moved to return LB 988 to Select File for the following specific amendment:
AM4403

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 2. That section 28-907, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-907. (1) A person commits the offense of false reporting if he or she:

(a) Furnishes material information he or she knows

to be false to any peace officer or other official with the intent to instigate an investigation of an alleged criminal matter or to impede the investigation of an actual criminal matter; or

(b) Furnishes information he or she knows to be false alleging the existence of an emergency in which human life or property are in jeopardy to any hospital, ambulance company, or other person or governmental agency which deals with emergencies involving danger to life or property;

(c) Furnishes any information, or causes such information to be furnished or conveyed by electric, electronic, telephonic, or mechanical means, knowing the same to be false concerning the need for assistance of a fire department or any personnel or equipment of such department; ~~or~~

(d) Furnishes any information he or she knows to be false concerning the location of any explosive in any building or other property to any person; or

(e) Furnishes material information he or she knows to be false to any governmental department or agency with the intent to instigate an investigation or to impede an ongoing investigation and which actually results in causing or impeding such investigation.

~~(2)~~ (2)(a) False reporting pursuant to subdivisions (1)(a) through (d) of this section is a Class I misdemeanor; and

(b) False reporting pursuant to subdivision (1)(e) of this section is a Class II misdemeanor.

Sec. 47. Sections 2 and 49 of this act shall become operative three calendar months after the adjournment of this legislative session. The other sections of this act shall become operative on their effective date.

Sec. 49. That original section 28-907, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 1, line 1, strike "youth" and insert "crimes and punishments" and after the first comma insert "28-907,"; in line 8 after the second semicolon insert "to change provisions relating to false reporting; to cause persons guilty of false reporting to be liable for costs; to provide a penalty;".

3. On page 3, lines 3 and 9, strike "3 to 6" and insert "4 to 7".

4. On page 4, line 10, strike "4" and insert "5".

5. On page 7, line 8, strike "3" and insert "4".

6. On page 19, line 18, strike "9 to 16" and insert "10 to 17".

7. Renumber the remaining sections accordingly.

Mrs. Hudkins withdrew her motion to return.

UNANIMOUS CONSENT - Member Excused

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 988A to Select File

Mr. Bernard-Stevens moved to return LB 988A to Select File for his specific amendment, AM4370, found in the Journal on page 1766.

The Bernard-Stevens motion to return prevailed with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 988A. The Bernard-Stevens specific amendment, AM4370, found in the Journal on page 1766, was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 7, 1994, at 11:00 a.m., were the following bills: 991, 1045, 1311, 1006, 1006A, 1194, 1211, 1211A, 314, 971, 971A, and 665.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

RESOLUTIONS

LEGISLATIVE RESOLUTION 497. Introduced by Haberman, 44.

WHEREAS, South Africa will hold its first democratic, multiracial election on April 26 through 28; and

WHEREAS, these upcoming elections have sparked violence and protests from Zulus in KwaZulu, South Africa, who want a sovereign state for themselves; and

WHEREAS, certain Zulu political factions have also been fighting against each other in KwaZulu, South Africa.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. The Legislature condemns the violence in KwaZulu, South Africa and encourages a peaceful resolution to the political differences behind this violence.

Laid over.

LEGISLATIVE RESOLUTION 498. Introduced by Haberman, 44.

WHEREAS, South Africa has not allowed blacks to vote under its centuries-long write-minority rules; and

WHEREAS, on April 26 through 28, an election will be held in South Africa in which blacks will be allowed to vote for the first time; and

WHEREAS, the Nebraska Legislature endorses South Africa's first democratic, multiracial election.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature encourages democratic processes for all nations and hopes that the South African elections can be held peacefully in the troubled parts of that nation.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 497 and LR 498 were referred to the Reference Committee.

RESOLUTIONS

LEGISLATIVE RESOLUTION 499. Introduced by Pirsch, 10.

WHEREAS, crime is of primary concern among all Nebraska citizens; and

WHEREAS, in the time it takes to read this paragraph, at least one violent crime will be committed somewhere in the United States; and

WHEREAS, every minute in the United States, four women are battered, one woman is raped, six children are abused, and one person is robbed; and

WHEREAS, crime victims often suffer serious financial, physical, and psychological losses; and

WHEREAS, crime victims play a difficult and indispensable role in bringing offenders to justice; and

WHEREAS, citizens who abide by the law are no less deserving of rights, resources, restoration, and rehabilitation than the offenders who victimize them; and

WHEREAS, crime victims and the advocates who assist in their recovery deserve full support from all public and private institutions in their efforts to secure and render critical assistance; and

WHEREAS, crime victim advocates, victim service providers, criminal justice officials, and concerned citizens throughout Nebraska

and the United States are joining forces to observe 1994 Crime Victims' Rights Week.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature designates and proclaims the week of April 24 to April 30, 1994, as Nebraska Crime Victims' Rights Week.

2. That the Legislature expresses its gratitude to the many truly compassionate Nebraskans who reach out to ease the pain of crime victims and reaffirms its commitment to address victims' rights and criminal justice issues during Crime Victims' Rights Week and throughout the year.

Laid over.

LEGISLATIVE RESOLUTION 500. Introduced by Pirsch, 10.

WHEREAS, the girls' basketball team consisting of sophomores, juniors, and seniors of Marian High School in Omaha went to the State Final Championship games for the seventh time in the school's history; and

WHEREAS, the Marian High School basketball team's coach, Jim Miller, led his team through the basketball season with an overall record of twenty-one wins and five losses; and

WHEREAS, Marian High School's basketball team is the champion of the Garden City, Kansas, tournaments; and

WHEREAS, the Marian High School basketball team is the Class A State runner-up; and

WHEREAS, the Marian High School basketball team demonstrated determination and performed excellently this season; and

WHEREAS, Coach Miller supported and encouraged his team throughout the year.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Marian High School basketball team and their coach, Jim Miller.

2. That a copy of this resolution be sent to Coach Jim Miller and the Marian High School girls' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 501. Introduced by Pirsch, 10.

WHEREAS, the Nebraska Coalition for Victims of Crime was established in 1984 to assist in effectively assessing and addressing the concerns of victims of crime; and

WHEREAS, victims of crime, personnel from victim assistance and criminal justice systems, private attorneys, elected officials, and concerned citizens have all volunteered as part of the coalition; and

WHEREAS, the Nebraska Coalition for Victims of Crime has a ten-year record of success in working to promote the rights of all victims to be protected from intimidation and to be treated with dignity, compassion, and respect; and

WHEREAS, the Nebraska Coalition for Victims of Crime proudly celebrates its ten-year anniversary with its members and supporters reflecting upon past accomplishments and renewing their commitment to continuing service and advocacy on behalf of crime victims.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Nebraska Coalition for Victims of Crime on observance of its ten-year anniversary.

2. That a copy of this resolution be presented to the Nebraska Coalition for Victims of Crime on April 20th, 1994.

Laid over.

ATTORNEY GENERAL'S OPINION

Opinion No. 94026

DATE: April 6, 1994

SUBJECT: LB 718; Constitutionality of Legislation Which Would Require Equal Benefit Reimbursement for Prescription Drugs Sold by Both Mail-Order Pharmacies and Other Pharmacies

REQUESTED BY: Senator Tim Hall
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

LB 718 deals with the benefits paid under health insurance or medical benefit contracts for prescription drugs sold by mail-order pharmacies and other pharmacies. The portion of the bill pertinent to your inquiry provides:

> A medical benefit contract, including any contract by a health maintenance organization or a preferred provider organization, which provides reimbursement for prescription drugs and other pharmacy services shall not impose upon any person who is a party to or beneficiary of the contract a fee or copayment not equally imposed upon any party or beneficiary utilizing a mail-order pharmacy, and no such contract shall provide differences in coverage or impose any

different conditions upon any person who is a party to or a beneficiary of the contract not equally imposed upon any party or beneficiary utilizing a mail-order pharmacy.

You have asked whether "LB 718 discriminates against interstate commerce in violation of the Commerce Clause" of the United States Constitution.

Neb. Rev. Stat. § 44-513.02 (Cum. Supp. 1992) currently provides that medical benefit contracts which include reimbursement for prescription drugs cannot require a person to obtain prescription drugs from a mail-order pharmacy as a condition to obtaining reimbursement for such drugs. Nonetheless, some health insurance companies and other entities providing health care benefits have apparently created circumstances surrounding their payment for prescription drug benefits which tend to favor mail-order pharmacies. For example, under some benefit plans, persons purchasing prescription drugs from a local pharmacy pay a particular copayment amount, while the same drug purchase from a mail-order pharmacy involves a smaller copayment on the part of the purchaser. Alternatively, purchasers of prescription drugs receive larger percentage discounts on drug purchases under some benefit plans if they purchase those drugs from a mail-order pharmacy. In many cases, these special payment plans are apparently the result of contractual arrangements between the companies providing health care benefits and the mail-order pharmacies. LB 718 would prohibit these special purchase prices, and require that all pharmacies be subject to the same copayment or other reimbursement arrangements. You are concerned that the potential impact of this provision on interstate commerce would violate the Commerce Clause.

Op. Att'y Gen. No. 93029 (April 19, 1993) contains an extensive discussion of the requirements of the Commerce Clause of the United States Constitution, and we will not repeat that discussion here except to note that the United States Supreme Court has defined the Commerce Clause restraints applicable to state regulation using a two-tiered approach: (1) a per se rule of invalidity, and (2) a balancing approach. Brown-Forman Distillers Corp. v. New York State Liquor, 476 U.S. 573 (1986). When a state statute directly regulates or discriminates against interstate commerce, or when its effect is to favor in-state economic interests over out-of-state interests, the Supreme Court has generally struck down the statute without further inquiry. Id. In essence, this is a virtual per se rule of invalidity applicable to state laws which involve discriminatory economic protectionism. Oregon Waste Systems,Inc. v. Department of Environmental Quality of the State of Oregon, Nos. 93-70 and 93-108 (U.S. April 4, 1994). On the other hand, when a state statute has only indirect effects on interstate commerce and regulates evenhandedly, the Supreme Court has examined whether the State's interest is legitimate and whether the burden on interstate commerce clearly exceeds the local benefits to the state. Brown-Forman Distillers Corp v. New york State Liquor, supra. This test involves a lesser degree of scrutiny than the per se test. The Supreme Court has also recognized that there is no clear line

separating the per se category of restraints from those involving the balancing regimen. Id. In either case, the critical consideration is the overall effect of the state statute on both local and interstate activity. Id.

In the present instance, we do not believe that LB 718 involves direct regulation of or direct discrimination against interstate commerce. This is not a situation, for example, where the state would place direct licensing requirements or direct fee requirements on out-of-state businesses which were inapplicable to in-state businesses. Nor does this situation, on the face of the bill, involve an instance where out-of-state businesses are denied opportunities granted to in-state entities purely on the basis of their location. In fact, the basic distinction drawn by LB 718 is not between interstate versus intrastate commerce. Instead, the distinction is between mail-order pharmacies versus other pharmacies. In that regard, there could be mail order pharmacies which are located in Nebraska which might be adversely impacted by this bill. Conversely, there are certainly local pharmacies in Nebraska operated by large corporations extensively involved in interstate commerce which are not mail-order operations and which might be benefited by this bill. As a result, we also do not believe that the effect of this bill is necessarily to favor in-state economic interests over out-of-state interests.

On this basis, it appears to us that LB 718 is not subject to the per se rule of invalidity discussed above. Rather, it must be tested under the less rigorous balancing approach created by the Supreme Court.

The test for the balancing approach created by the Supreme Court is set out in Pike v. Bruce Church, 397 U.S. 137, (1970):

> Where the statute regulates evenhandedly to effectuate a legitimate local public interest, and its effects on interstate commerce are only incidental, it will be upheld unless the burden imposed on such commerce is clearly excessive in relation to the putative local benefits. If a legitimate local purpose is found, then the question becomes one of degree. The extent of the burden that will be tolerated will of course depend on the nature of the local interest involved, and on whether it could be promoted as well with a lesser impact on interstate activities.

Id. at 142.

There are certainly economic interests underlying LB 718, and the bill is obviously intended, in part, to place local pharmacies in even competition with mail-order pharmacies. However, proponents of the bill have also outlined other public policies underlying the provisions of the bill. See Committee Records on LB 718, 93rd Neb. Leg., 1st Sess. 12-15 (March 16, 1993). For example, local pharmacies can provide important counseling services for consumers of prescription drugs which may not be available to the same degree from mail-order pharmacies. In addition, local pharmacies may be better able to monitor all the prescriptions of a particular individual for improper drug interactions than are mail-order pharmacies which might see only a portion of the individual's drug usage. These public policies support the

state's interest in encouraging the use of local pharmacies through legislation which would require local pharmacies and mail-order pharmacies to compete at the same level. These public policies also create at least some legitimate local purpose in the context of the Bruce Church test.

We also believe that it could be argued that LB 718 would regulate pharmacies evenhandedly in that it would create no pricing advantage for local pharmacies, but simply require that they be treated the same as mail-order pharmacies. Moreover, the effect of the bill on interstate commerce would be incidental since, as noted above, the focus of the bill is really on the local versus mail-order distinction rather than on the intrastate versus interstate aspects of the drug sale. Finally, there does not appear to be any other immediate way to promote the same public policy concerns with legislation which has less impact on interstate commerce.

Since there appears to be some legitimate public purpose for LB 718 apart from simple economic concerns, and since the bill appears to be evenhanded and of only incidental effect on interstate commerce, we do not believe that the bill is clearly unconstitutional under the Commerce Clause to the United States Constitution.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

05-14-14.op
cc. Patrick J. O'Donnell
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 902A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 984A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 907. Considered.

Mr. Chambers moved to indefinitely postpone LB 907.

Ms. Schimek, Mrs. Hillman, Messrs. Kristensen, and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Jones moved the previous question. The question is, "Shall the debate now close?"

Mr. Jones moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Chambers requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 31:

Abboud	Engel	Matzke	Preister	Wehrbein
Avery	Fisher	McKenzie	Robak	Wesely
Bohlke	Hudkins	Monen	Robinson	Wickersham
Bromm	Janssen	Moore	Schellpeper	Will
Coordsen	Jones	Pedersen	Schmitt	Witek
Dierks	Lynch	Pirsch	Vrtiska	Withem
Elmer				

Voting in the negative, 4:

Chambers	Cudaback	Hall	Lindsay

Present and not voting, 4:

Ashford	Bernard-Stevens	Day	Rasmussen

Absent and not voting, 4:

Beutler	Byars	Crosby	Landis

Excused and not voting, 6:

Haberman	Hillman	Kristensen	Schimek	Warner
Hartnett				

The motion to cease debate prevailed with 31 ayes, 4 nays, 4 absent and not voting, 4 present and not voting, and 6 excused and not voting.

Mr. Chambers requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 7:

Chambers	Lindsay	Monen	Rasmussen	Wesely
Hall	Matzke			

Voting in the negative, 23:

Abboud	Byars	Haberman	Moore	Vrtiska
Bernard-Stevens	Coordsen	Hudkins	Pedersen	Wehrbein
	Crosby	Janssen	Pirsch	Wickersham
Bohlke	Dierks	Jones	Robak	Witek
Bromm	Engel	McKenzie	Schmitt	

Present and not voting, 15:

Ashford	Cudaback	Fisher	Preister	Schimek
Avery	Day	Landis	Robinson	Will
Beutler	Elmer	Lynch	Schellpeper	Withem

Excused and not voting, 4:

Hartnett	Hillman	Kristensen	Warner

The Chambers motion to indefinitely postpone lost with 7 ayes, 23 nays, 15 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

Messrs. Ashford and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 1188. Mrs. Hillman withdrew her amendment, AM4234, found in the Journal on page 1773.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1071. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1071A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 900. E & R amendment, AM5707, printed separately from the Journal and referred to on page 1293, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 900A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 974. E & R amendment, AM5708, found in the Journal on page 1293, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 974A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1161. E & R amendment, AM5706, found in the Journal on page 1293, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 408. E & R amendment, AM5715, found in the Journal on page 1385, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1088. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1049. E & R amendment, AM5716, found in the Journal on page 1387, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1035. E & R amendment, AM5718, found in the Journal on page 1388, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1035A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1048. E & R amendment, AM5719, found in the Journal on page 1400, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 994. Advanced to E & R for engrossment.
LEGISLATIVE BILL 882. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1165. E & R amendment, AM5721, printed separately from the Journal and referred to on page 1451, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1313. E & R amendment, AM5722, found in the Journal on page 1452, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1313A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 480. Mr. Chambers withdrew his motion, found in the Journal on page 1674, to indefinitely postpone.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1236. E & R amendment, AM5723, found in the Journal on page 1452, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1257. E & R amendment, AM5717, found in the Journal on page 1400, was adopted.

Mr. Cudaback withdrew his amendment, AM4198, found in the Journal on page 1729.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 981. E & R amendment, AM5711, found in the Journal on page 1291, was adopted.

Mr. Beutler withdrew his amendment, AM4259, found in the Journal on page 1677.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 981A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1031. E & R amendment, AM5720, found in the Journal on page 1451, was adopted.

Mr. Beutler withdrew his amendment, AM4199, found in the Journal on page 1611.

Messrs. Avery, Bromm, Elmer, Preister, Jones, Matzke, and Mrs. Bohlke withdrew their amendment, AM4050, found in the Journal on page 1653.

Messrs. Avery and Matzke withdrew their amendment, AM4350, found in the Journal on page 1730.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 1337.

(Signed) Janis M. McKenzie, Chairperson

VISITORS

Visitors to the Chamber were 27 students and sponsors from Lincoln High School, Lincoln; 44 fourth grade students and teachers from Seymour Elementary School, Ralston; 20 eighth grade students and sponsors from Arapahoe Public Schools; 28 students, teacher, and sponsor from Northwest High School, Omaha; 45 fourth grade students and teacher from Yutan; 15 eighth grade students and teacher from Brady; Bob Golter, Mayor Gerald Brown, and Colleen May from Brady; 40 first grade students and sponsor from Arnold Elementary School, Lincoln; 32 fourth grade students and sponsor from Homer; Mayor and Mrs. Dean Mitchell, Jasmine Mitchell, Callie Weiss, and Logan Pribbens from Imperial; and 55 fourth grade students and sponsors from Central Elementary School, Kearney.

RECESS

At 11:59 a.m., on a motion by Mrs. McKenzie, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bromm, Dierks, Landis, Lindsay, Lynch, Moore, Warner, Will, Mmes. Bohlke, and McKenzie who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1034. Placed on Select File as amended.
E & R amendment to LB 1034:
AM5735

1. In the Standing Committee amendments, AM3959:

a. On page 5, line 1, strike "has" and insert "have";

b. On page 6, line 25, strike "whose involvement" and insert "the involvement of which";

c. On page 7, line 10, strike "who" and insert "which";

d. On page 9, line 22, after "Recycling" insert "Incentive";

e. On page 16, line 4, after "site" insert an underscored comma; and

f. On page 17, line 14, strike "assurance" and insert "responsibility".

2. On page 1, strike beginning with "section" in line 1 through line 9 and insert "sections 13-2039 and 81-15,162, Revised Statutes Supplement, 1992, and sections 81-1504.01, 81-15,160, 81-15,161, 81-15,164, and 81-15,165, Revised Statutes Supplement, 1993; to prohibit land disposal of scrap tires as prescribed; to require a report; to name the Waste Reduction and Recycling Incentive Act; to state intent; to define and redefine terms; to provide powers and duties for the Director of Environmental Quality; to eliminate powers and duties of the Environmental Quality Council; to provide for a scrap tire reduction and recycling program; to create a fund; to provide for and change provisions relating to permits and fees; to provide for grants and loans as prescribed; to harmonize provisions; to provide a termination date; and to repeal the original sections.".

LEGISLATIVE BILL 1034A. Placed on Select File.

(Signed) Janis M. McKenzie, Chairperson

SELECT FILE

LEGISLATIVE BILL 907. Mr. Chambers offered the following amendment:
FA537
Amend AM3532
P. 2, line 17, strike "a Class II misdemeanor" and insert "an infraction".

Mr. Avery asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Ashford	Cudaback	Matzke	Robak	Schmitt
Bernard-Stevens	Elmer	McKenzie	Robinson	Wesely
Beutler	Hartnett	Monen	Schellpeper	Wickersham
Chambers	Hillman	Preister	Schimek	Withem
	Lindsay	Rasmussen		

Voting in the negative, 14:

Abboud	Crosby	Hudkins	Moore	Wehrbein
Bromm	Engel	Jones	Pirsch	Witek
Byars	Fisher	Kristensen	Vrtiska	

Present and not voting, 6:

Coordsen	Haberman	Hall	Janssen	Pedersen
Day				

Excused and not voting, 7:

Avery	Dierks	Lynch	Warner	Will
Bohlke	Landis			

The Chambers amendment lost with 22 ayes, 14 nays, 6 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Messrs. Ashford and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Hudkins moved the previous question. The question is, "Shall the debate now close?"

Mrs. Hudkins moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Lindsay requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 22:

Abboud	Dierks	Hudkins	Pedersen	Vrtiska
Bromm	Elmer	Jones	Pirsch	Wehrbein
Byars	Engel	Monen	Robak	Wickersham
Crosby	Fisher	Moore	Schmitt	Witek
Day	Hillman			

Voting in the negative, 17:

Bernard-Stevens	Coordsen	Hartnett	McKenzie	Wesely
	Cudaback	Kristensen	Rasmussen	Will
Beutler	Haberman	Lindsay	Schellpeper	Withem
Chambers	Hall	Matzke		

Present and not voting, 3:

Preister	Robinson	Schimek

Excused and not voting, 7:

Ashford	Bohlke	Landis	Lynch	Warner
Avery	Janssen			

The motion to cease debate lost with 22 ayes, 17 nays, 3 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Hall moved to reconsider the Chambers amendment, FA537.

Messrs. Cudaback, Schmitt, Fisher, and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bernard-Stevens moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Hall moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Hall motion to reconsider prevailed with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

The Chambers reconsidered amendment, FA537, found in this day's Journal, was renewed.

The Chambers amendment was adopted with 28 ayes, 1 nay, 14 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Wickersham asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Ashford	Crosby	Hillman	McKenzie	Robinson
Beutler	Day	Hudkins	Moore	Schellpeper
Bohlke	Dierks	Janssen	Pedersen	Vrtiska
Bromm	Engel	Jones	Pirsch	Wehrbein
Byars	Fisher	Landis	Robak	Witek
Coordsen				

Voting in the negative, 9:

Bernard-Stevens	Chambers	Haberman	Matzke	Schimek
	Cudaback	Hall	Rasmussen	Wesely

Present and not voting, 9:

Abboud	Hartnett	Lindsay	Preister	Withem
Elmer	Kristensen	Monen	Will	

Excused and not voting, 5:

Avery	Lynch	Schmitt	Warner	Wickersham

Advanced to E & R for engrossment with 26 ayes, 9 nays, 9 present and not voting, and 5 excused and not voting.

Mr. Landis and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 502. Introduced by Wesely, 26.

WHEREAS, all Nebraskans have a right to quality health care at a cost they or society can afford. Government, health care providers, insurers, businesses, and consumers must work together to accomplish this goal. A partnership between government and the private sector may ultimately provide the most favorable solution to developing quality health care services at a cost that is affordable to all of our citizens; and

WHEREAS, the following principles should guide state policy for health care:

1. All Nebraskans have a right to geographical, cultural, and financial access to a basic package of health care services. Defining basic health care services should be accomplished by society with the assistance of experts in the field.

2. Mechanisms should be developed to assure that all Nebraskans receive quality health care services.

3. The financial, political, and social incentives driving our health care system must be adjusted to assure that they promote cost-effective behavior for both consumers and providers. It is important to develop innovative approaches and incentives to encourage affordable and efficient health care services.

Costs should also be controlled by enhancing administrative efficiency (e.g., reducing paperwork, fraud, abuse, and unnecessary regulations) and preventing the unnecessary duplication of services, equipment, and facilities. Improved planning and data collection are needed to better assess health care needs and costs.

4. Promoting access to basic health is a shared responsibility of individuals, society, providers, payers, and government. Those health

promotion activities, clinical preventive services, and community-based preventive programs of proven benefit should be encouraged.

a. Individuals must be responsible for leading healthy lifestyles. To protect individual dignity, everyone who can, should pay for some of the cost of his or her own care.

b. Society should promote improved consumer education so that Nebraskans can become more proactively involved in both prevention and wellness-focused lifestyles, as well as become better-informed health care purchasers. Society should develop mechanisms to understand the ethical, economical, and rationing issues necessary to determine how medical services and procedures will be allocated.

c. Professional and institutional providers, both individually and collectively, must deliver high-quality and humane care to all Nebraskans. They should develop practice guidelines and outcome data that encourage the appropriate use of health care resources. Providers must develop practice guidelines which encourage necessary and preventive services and eliminate unnecessary services. Providers must assume a key role in the development of a comprehensive delivery system which supports access, quality, and cost containment. Charges for services rendered should be fair and reasonable.

d. Payers, working with government, have responsibility for designing systems that provide coverage for a basic package of health care services for all Nebraskans, regardless of condition of health, state of employment, or ability to pay. They should create mechanisms to pay for care with a minimum of administrative cost, uncertainty, confusion, bureaucracy, and paperwork.

e. Working with providers, consumers, and payers, government has a responsibility for developing incentives and creating an affordable system of universal access to basic health care for all Nebraskans. Government also has special responsibilities to provide public health services, educate the public on health matters, and address the social conditions that cause illness and drive up health care costs such as poverty, malnutrition, inadequate housing, and violence.

f. Nebraska institutions of higher education, public and independent, that conduct health professions education programs should strive to meet the needs of our citizens for health care professions. Those institutions that engage in biomedical and health care research are also responsible for contributing to improvements in quality and delivery of health care in Nebraska.

5. Individuals and families should have a basic health plan that is portable and affordable and the freedom to choose additional health insurance based upon their financial capability. A continuity of care concept by linking patients with a specific health care practitioner (physician, physician assistant, or nurse practitioner, as applicable) who assists in the coordination of the patient's care should be promoted.

6. Delivery and financing arrangements must promote development and dissemination for more effective and efficient methods for treatment and prevention. Methods to deliver health care services must be responsive to Nebraska's diversity and build on the strengths of the

current Nebraska health care system. There must be local involvement in the planning, development, and design of the health care delivery system in cooperation with state and federal efforts. This process must include representatives from all major sectors of the community, including both public and private entities.

7. Health care financing must be reorganized to prevent cost shifting. Health care services should be financed through a public and private pluralistic system. The system should provide incentives to consumers to use appropriate health care services and to providers to assure value for the price of services rendered.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature affirms the principles set forth in this resolution as sound and will use the principles as a guide for health care policy in Nebraska.

2. That the Legislature commends the work of the Blue Ribbon Coalition and the Interagency Health Care Advisory Committee for their work in developing the principles and for their time and efforts helping to address health care issues and the Legislature supports the coalition's and committee's continued work in the development of health care coordination and policy for the future.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 502 was referred to the Reference Committee.

SELECT FILE

LEGISLATIVE BILL 1066. The Hall-Lindsay-Chambers pending amendment, AM3685, found in the Journal on page 1256 and considered on page 1275, was renewed.

Messrs. Abboud and Bernard-Stevens asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to the Hall-Lindsay-Chambers pending amendment:
FA538
Amend AM3685
P. 2, line 9, after "favor", insert "or discriminate against"

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Messrs. Wickersham, Landis, Robinson, Janssen, and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?"

Mrs. Crosby moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chambers amendment was adopted with 35 ayes, 0 nays, 5 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Haberman requested a roll call vote on the Hall-Lindsay-Chambers amendment, as amended.

Voting in the affirmative, 28:

Ashford	Day	Hillman	Pedersen	Vrtiska
Avery	Dierks	Janssen	Preister	Wehrbein
Bohlke	Elmer	Lindsay	Rasmussen	Will
Byars	Engel	Matzke	Robak	Witek
Chambers	Hall	McKenzie	Schimek	Withem
Cudaback	Hartnett	Monen		

Voting in the negative, 2:

Crosby	Warner

Present and not voting, 12:

Beutler	Fisher	Jones	Pirsch	Schmitt
Bromm	Haberman	Moore	Schellpeper	Wesely
Coordsen	Hudkins			

Excused and not voting, 7:

Abboud	Bernard-Stevens	Kristensen	Lynch	Wickersham
		Landis	Robinson	

The Hall-Lindsay-Chambers amendment, as amended, was adopted with 28 ayes, 2 nays, 12 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Haberman moved to bracket LB 1066 until April 10, 1994.

Mr. Haberman moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Haberman requested a roll call vote on his motion to bracket LB 1066.

Voting in the affirmative, 8:

Coordsen	Fisher	Janssen	Schellpeper	Schmitt
Elmer	Haberman	Jones		

Voting in the negative, 29:

Ashford	Crosby	Hudkins	Moore	Warner
Bernard-Stevens	Day	Kristensen	Pedersen	Wehrbein
	Engel	Lindsay	Preister	Wesely
Bohlke	Hall	Matzke	Rasmussen	Wickersham
Byars	Hartnett	McKenzie	Robak	Will
Chambers	Hillman	Monen	Schimek	Withem

Present and not voting, 7:

Avery	Bromm	Pirsch	Vrtiska	Witek
Beutler	Dierks			

Absent and not voting, 1:

Cudaback

Excused and not voting, 4:

Abboud	Landis	Lynch	Robinson

The Haberman motion to bracket lost with 8 ayes, 29 nays, 7 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Messrs. Bernard-Stevens, Wesely, Mmes. Bohlke, and Rasmussen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Haberman moved to recommit LB 1066 to the Banking, Commerce and Insurance Committee.

Mrs. Robak and Mr. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Haberman moved for a call of the house. The motion prevailed with 9 ayes, 3 nays, and 37 not voting.

Mr. Haberman requested a roll call vote on his motion to recommit LB 1066 to the Banking, Commerce and Insurance Committee.

Voting in the affirmative, 14:

Avery	Crosby	Fisher	Jones	Schellpeper
Bromm	Dierks	Haberman	Pirsch	Schmitt
Coordsen	Elmer	Janssen	Robinson	

Voting in the negative, 25:

Ashford	Cudaback	Hillman	Monen	Wehrbein
Beutler	Day	Kristensen	Moore	Wesely
Bohlke	Engel	Lindsay	Preister	Wickersham
Byars	Hall	Matzke	Schimek	Will
Chambers	Hartnett	McKenzie	Warner	Withem

Present and not voting, 3:

Hudkins	Vrtiska	Witek

Excused and not voting, 7:

Abboud	Bernard-Stevens	Landis	Pedersen	Robak
		Lynch	Rasmussen	

The Haberman motion to recommit to committee lost with 14 ayes, 25 nays, 3 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Will asked unanimous consent to print the following amendment to LB 137 in the Journal. No objections. So ordered.

AM4369

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 25-224, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-224. (1) All product liability actions as defined in section 25-21,180, except one governed by subsection (5) of this section, shall be commenced within four years next after the date on which the death, injury, or damage complained of occurs.

(2) Notwithstanding subsection (1) of this section or any other statutory provision to the contrary, any product liability action, except one governed by section 2-725, Uniform Commercial Code or by subsection (5) of this section, shall be commenced within ~~ten~~ twenty years after the date when the product which allegedly caused the personal injury, death, or damage was first sold or leased for use or consumption.

The time limitation in this subsection shall not apply (a) if the manufacturer intentionally misrepresented or concealed any known defect which is a proximate cause of the injury or death or (b) if the product liability action involves the manufacture, construction, design, or assembly of medical implants, prosthetics, appliances, or other devices surgically placed on or within the human body.

(3) The limitations contained in subsection (1), (2), or (5) of this section shall not be applicable to indemnity or contribution actions brought by a manufacturer or seller of a product against a person who is or may be liable to such manufacturer or seller for all or any portion of any judgment rendered against a manufacturer or seller.

(4) Notwithstanding the provisions of subsections (1) and (2) of this section, any cause of action or claim which any person may have on July 22, 1978, may be brought not later than two years following such date.

(5) Any action to recover damages based on injury allegedly resulting from exposure to asbestos composed of chrysotile, amosite, crocidolite, tremolite, anthrophyllite, actinolite, or any combination thereof, shall be commenced within four years after the injured person has been informed of discovery of the injury by competent medical authority and that such injury was caused by exposure to asbestos as described herein, or within four years after the discovery of facts which would reasonably lead to such discovery, whichever is earlier. No action commenced under this subsection based on the doctrine of strict liability in tort shall be commenced or maintained against any seller of a product which is alleged

to contain or possess a defective condition unreasonably dangerous to the buyer, user, or consumer unless such seller is also the manufacturer of such product or the manufacturer of the part thereof claimed to be defective. Nothing in this subsection shall be construed to permit an action to be brought based on an injury described in this subsection discovered more than two years prior to August 30, 1981.

Sec. 2. It is the intent of the Legislature that the changes made in section 25-224 by this legislative bill shall be applied retroactively to revive causes of action which were barred by section 25-224 prior to the effective date of this act in those cases in which retroactive application would not violate a manufacturer's accrued right not to be sued in Nebraska.

Sec. 3. The total amount recoverable under the State Tort Claims Act for claims arising out of an occurrence on or after the effective date of this act shall be limited to (1) one million two hundred fifty thousand dollars for any one person for any number of claims arising out of a single occurrence and (2) five million dollars for all claims arising out of a single occurrence. Commencing January 1, 1996, and each January 1 thereafter, the dollar limitations in this section shall be adjusted for the change in the Consumer Price Index for All Urban Consumers over the past year. The Risk Manager shall make such annual adjustments to the dollar limitations pursuant to this section.

Sec. 4. That section 81-8,235, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,235. Sections 81-8,209 to 81-8,235 and section 3 of this act shall be known and may be cited as the State Tort Claims Act.

Sec. 5. That original sections 25-224 and 81-8,235, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 72. Placed on Select File.

LEGISLATIVE BILL 1349. Placed on Select File as amended.
E & R amendment to LB 1349:
AM5737

1. In the Standing Committee amendments, AM3609, on page 2, line 7; and page 4, line 1, strike "department" and insert "Department of Environmental Quality".

2. On page 1, strike beginning with "create" in line 1 through line 6 and insert "amend section 81-15,113.01, Revised Statutes Supplement, 1993; to define terms; to create a fund; to provide powers and duties for the Environmental

Quality Council and the Department of Environmental Quality; to provide for monitoring of certain remedial action plans; to provide for indemnification; to change the last year for the remittance of funds from the Central Interstate Low-Level Radioactive Waste Compact; to provide operative dates; to repeal the original section; and to declare an emergency.".

LEGISLATIVE BILL 1349A. Placed on Select File.
LEGISLATIVE BILL 1022. Placed on Select File.

LEGISLATIVE BILL 901. Placed on Select File as amended.
E & R amendment to LB 901:
AM5736

1. On page 1, strike lines 2 through 7 and insert ", 77-2702.07, 77-2702.13, and 77-2704.09, Revised Statutes Supplement, 1993; to redefine gross receipts and retail sale; to provide and change exemptions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.".

Correctly Engrossed

The following bills were correctly engrossed: 1160 and 1160A.

Enrollment and Review Change to LB 1160

The following changes, required to be reported for publication in the Journal, have been made:
ER7462

1. On page 1, line 16, "; to define and redefine terms; to change provisions relating to motor vehicle fuel; to rename a fund" has been inserted after the second "Act".

2. On page 6, line 17, "66-4,142," has been struck and "66-4,142" inserted; and in line 23 "United States Treasury" has been struck and "Treasury of the United States" inserted.

3. On page 8, line 1, "terminal" has been struck.

4. On page 10, line 6, an underscored comma has been inserted after "act".

5. On page 35, line 15, "or" has been struck, shown as stricken, and an underscored comma inserted and ", or exported" has been inserted after "imported".

6. On page 41, lines 7 and 9, "or act" has been inserted after "sections".

7. On page 58, line 23, "a" has been inserted after "make".

8. On page 62, line 25; page 63, line 2; and page 75, line 22, "and section 112 of this act" has been inserted after "66-737".

9. On page 73, line 20, "68-733" has been struck, shown as stricken, and "66-733" inserted.

10. On page 76, line 4, "State" has been struck and shown as stricken and "of Public Accounts" has been inserted after "Auditor".

11. In the E & R Amendments, AM5686, on page 1, line 5, "a" has been inserted after the first comma.

(Signed) Janis M. McKenzie, Chairperson

MESSAGE FROM THE GOVERNOR

April 7, 1994

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1107, 1139, 1153, and 1183 were received in my office on April 5, 1994; Engrossed Legislature Bills 1074, 1074A, 1250, 1306, and 1306A were received on April 6, 1994.

These bills were signed by me on April 7, 1994, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

SELECT FILE

LEGISLATIVE BILL 1066. Mr. Haberman moved to bracket until April 11, 1994.

Mr. Bromm asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall raised a point of order on whether the Haberman motion is in order as we have already considered a motion to bracket to a date certain.

The Chair ruled the Haberman motion is out of order pursuant to Rule 7, Section 6.

Mr. Haberman moved to reconsider the Hall-Lindsay-Chambers amendment, AM3685, found in the Journal on page 1256, considered on page 1275, and adopted on page 1806.

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

The Haberman motion to reconsider the Hall-Lindsay-Chambers amendment prevailed with 26 ayes, 2 nays, 15 present and not voting, and 6 excused and not voting.

The Hall-Lindsay-Chambers amendment, AM3685, as amended, was reconsidered.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Hall requested a roll call vote on the Hall-Lindsay-Chambers amendment, as amended.

Voting in the affirmative, 28:

Ashford	Chambers	Hartnett	Monen	Vrtiska
Avery	Cudaback	Hillman	Pedersen	Wehrbein
Bernard-Stevens	Day	Janssen	Preister	Will
	Dierks	Lindsay	Robak	Witek
Bohlke	Engel	Matzke	Robinson	Withem
Byars	Hall	McKenzie	Schimek	

Voting in the negative, 8:

Crosby	Jones	Moore	Warner	Wickersham
Haberman	Kristensen	Pirsch		

Present and not voting, 9:

Beutler	Coordsen	Fisher	Schellpeper	Wesely
Bromm	Elmer	Hudkins	Schmitt	

Excused and not voting, 4:

Abboud	Landis	Lynch	Rasmussen

The Hall-Lindsay-Chambers amendment, as amended, was adopted with 28 ayes, 8 nays, 9 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

EASE

The Legislature was at ease from 7:22 p.m. until 7:52 p.m.

MESSAGE FROM THE GOVERNOR

April 7, 1994

Madam President, Mr. Speaker,
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

Today I signed and delivered to the Secretary of State LB 1287 and LB 1287A. The bills amend the State Patrol Retirement System statute by increasing, effective July 1, 1995, both the employee and employer contribution rates from 8 percent of compensation to 10 percent, and provide an additional General Fund appropriation of $276,900. Without these changes a much larger contribution would be required from the State General Fund to meet the future liabilities of the Plan.

In fully supporting this responsible action, I also want to join the Retirement Committee and the sponsors of this legislation in recognizing that the long-term costs of the State Patrol Retirement System for future members need further review, and I pledge to work with you in that regard.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

cc: Senator Bob Wickersham
Public Employees Retirement Board Office

EBN:afc

UNANIMOUS CONSENT - Print in Journal

Mr. Hartnett asked unanimous consent to print the following amendment to LB 630 in the Journal. No objections. So ordered.

AM4433

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 6. Section 1 of this act shall become operative on November 10, 1994. The other sections of this act shall become operative on their effective date.".

2. On page 1, line 6, after the semicolon insert "to provide operative dates;".

3. On page 6, lines 5 and 6, strike the new matter and reinstate the stricken matter; and in line 20 strike "An" and insert "When next amended after January 1, 1995, an".

4. Renumber the remaining section accordingly.

Mr. Elmer asked unanimous consent to print the following amendment to LB 1034 in the Journal. No objections. So ordered.

AM4430

(Amendments to Standing Committee amendments, AM3959)

1. On page 19, after line 15 insert the following new subsection:

"(4) The department may make grants to state agencies for the cost of the purchase and placement of scrap tires to serve as fish attractors and fish habitat structures. A grant under this subsection shall not exceed fifty thousand dollars in any grant period."; and in line 25 strike "(4)" and insert "(5)".

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolutions.

LR	Committee
497	Government, Military and Veterans Affairs
498	Government, Military and Veterans Affairs
502	Health and Human Services

(Signed) Timothy J. Hall, Chairperson
Legislative Council
Executive Board

SELECT FILE

LEGISLATIVE BILL 1066. Considered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1136. E & R amendment, AM5725, found in the Journal on page 1495, was adopted.

Messrs. Byars and Hall offered the following amendment:
AM4314

(Amendments to E & R amendments, AM5725)

1. On page 2, line 10, strike "$2,000,000" and insert "$4,000,000".

Mr. Moore offered the following amendment to the Byars-Hall pending amendment:
FA540

Amend AM4314 as follows: in line 2, strike "$4,000,000" and insert "$1,000,000"

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Moore requested a record vote on his amendment.

Voting in the affirmative, 16:

Ashford	Crosby	Hillman	Pirsch	Wehrbein
Avery	Elmer	Kristensen	Schellpeper	Wickersham
Bernard-Stevens	Engel	Moore	Warner	Witek
	Fisher			

Voting in the negative, 25:

Beutler	Day	Janssen	Monen	Schimek
Bohlke	Dierks	Jones	Pedersen	Schmitt
Bromm	Haberman	Lindsay	Preister	Vrtiska
Byars	Hall	Matzke	Robak	Wesely
Coordsen	Hudkins	McKenzie	Robinson	Withem

Present and not voting, 4:

Chambers	Cudaback	Hartnett	Will

Excused and not voting, 4:

Abboud	Landis	Lynch	Rasmussen

The Moore amendment lost with 16 ayes, 25 nays, 4 present and not voting, and 4 excused and not voting.

Mr. Moore requested a record vote on the Byars-Hall amendment.

Voting in the affirmative, 26:

Bohlke	Haberman	Jones	Pedersen	Schimek
Bromm	Hall	Lindsay	Preister	Schmitt
Byars	Hartnett	Matzke	Robak	Vrtiska
Coordsen	Hudkins	McKenzie	Robinson	Wesely
Day	Janssen	Monen	Schellpeper	Withem
Engel				

Voting in the negative, 12:

Ashford	Bernard-Stevens	Fisher	Moore	Wickersham
Avery	Crosby	Hillman	Pirsch	Witek
		Kristensen	Warner	

Present and not voting, 7:

Beutler	Cudaback	Elmer	Wehrbein	Will
Chambers	Dierks			

Excused and not voting, 4:

Abboud	Landis	Lynch	Rasmussen

The Byars-Hall amendment was adopted with 26 ayes, 12 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1136A. E & R amendment, AM5726, found in the Journal on page 1497, was adopted.

Messrs. Ashford and Haberman asked unanimous consent to be excused. No objections. So ordered.

Mrs. McKenzie renewed her pending amendment, AM3795, found in the Journal on page 1404.

Mrs. McKenzie withdrew her amendment.

Messrs. Byars and Hall offered the following amendment:
AM4287

(Amendments to E & R amendments, AM5726)

1. On page 1, lines 4 and 5, strike "$396,000" and insert "$214,000"; in lines 4 and 6 strike "$138,500" and insert "$145,000"; in line 12 strike both occurrences of "$204,400" and insert "$250,000"; in lines 14 and 16 strike "$8,000,000" and insert "$4,000,000"; in lines 15 and 17 strike "$2,400,000" and insert "$1,200,000"; and after line 20

insert:

"Of the funds appropriated pursuant to this section, sixty-two percent shall be used to bring services to persons who are presently waiting for services and thirty-eight percent shall be used for pay equity.".

The Byars-Hall amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 915, 695A, and 1243A.

(Signed) Janis M. McKenzie, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 1044 in the Journal. No objections. So ordered.

FA539

Amend E&R amendment (AM5710)

Page 1, line 7, after "class", insert, "or a county containing a city of the primary class".

Messrs. Beutler and Coordsen asked unanimous consent to print the following amendment to LB 903 in the Journal. No objections. So ordered.

AM4153

(Amendments to E & R amendments, AM5729)

1. Insert the following new section:

"Sec. 6. That section 76-720, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-720. (1) If an appeal is taken from the award of the appraisers by the condemnee and the amount of the final judgment is greater by fifteen percent than the amount of the award, or if appeal is taken by the condemner and the amount of the final judgment is not less than eighty-five percent of the award, or if appeal is taken by both parties and the final judgment is greater in any amount than the award, the court may in its discretion award to the condemnee a reasonable sum for the fees of his or her attorney and for fees necessarily incurred for not more than two expert witnesses.

(2) On any appeal by the condemner, the condemner shall pay all court costs on appeal. If appeal is taken by the condemnee only, he or she shall be charged with ~~such~~ court costs if the final judgment is not greater than the award of the appraisers. For purposes of this section, court costs shall not include attorney's fees or expert witness fees.

(3) If an appeal is taken to the district court and the district court finds that the condemner did not negotiate in good faith with the property owner or there was no public purpose for taking the property involved, the court shall award to the condemnee a reasonable sum for the fees of his or her attorney and the condemner shall pay all court costs on appeal.

(4) The changes made to this section by this legislative bill shall apply to any action pending on the effective date of this act or filed on or after such date.

Sec. 7. Sections 1 to 5 and 8 of this act shall become operative three calendar months after adjournment sine die of this legislative session. The other sections of this act shall become operative on their effective date.

Sec. 9. That original section 76-720, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 10. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 6, line 23, strike "effective date of this act" and insert "operative date of this section".

3. Renumber the remaining section accordingly.

Mr. Beutler asked unanimous consent to print the following amendment to LB 903 in the Journal. No objections. So ordered.

AM4141

(Amendments to the E & R amendments, AM5729)

1. On page 3, line 16, reinstate the stricken matter; and in lines 19 to 22 strike the new matter.

VISITORS

Visitors to the Chamber were 39 students and sponsors from Boone County Rural Schools, Albion; 14 students and 11 adults from Pleasanton; a group of 36 from New Horizon Senior Citizen Group, Beautiful Savior Lutheran Church, Ralston; six fourth through sixth grade students and teacher from Battle Creek Public and St. John Lutheran Schools, Battle Creek; fourth grade students and teachers from Tara Heights Elementary School, Papillion; 42 fourth grade students and sponsor from Morton Elementary School, Hastings; Anne and Bob Binhammer from Omaha; and Kelli, Joe, and Tommy Hergert.

The Doctor of the Day was Frank Weirman from Lincoln.

ADJOURNMENT

At 9:08 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Friday, April 8, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-FIFTH DAY - APRIL 8, 1994

LEGISLATIVE JOURNAL

FIFTY-FIFTH DAY - APRIL 8, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

FIFTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 8, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Brent Kuhlman, Faith Lutheran Church, Hebron, Nebraska.

MOTHERS OF THE YEAR

Mr. Schellpeper, Mmes. Bohlke, and Crosby escorted the following women to the rostrum: Sunny Welch, Mother of the Year; and Lori Andersen Eversoll, Mother of Young Children.

ROLL CALL

The roll was called and all members were present except Messrs. Bernard-Stevens, Haberman, Monen, Robinson, Warner, Ms. Day, and Mrs. McKenzie who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1818, strike lines 18 through 28 and insert the following:
Mrs. McKenzie renewed her pending amendment, AM3795, found in the Journal on page 1404.
The Journal for the fifty-fourth day was approved as corrected.

UNANIMOUS CONSENT - Member Excused

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 1290.

Enrollment and Review Change to LB 1290

The following changes, required to be reported for publication in the Journal, have been made:
ER7459

1. On page 1, the matter beginning with "section" in line 2 through line 5 has been struck and "sections 79-3509.02, 79-3803, 79-3807 to 79-3809, and 79-3813, Revised Statutes Supplement, 1992, and sections 43-2513, 79-3806, and 79-3824, Revised Statutes Supplement, 1993; to define and redefine terms; to change provisions relating to equalization aid and state aid for schools for certain years; to change provisions relating to adjusted valuations of property for determining state aid to schools and to provide for notice, hearings, and appeals of such adjusted valuations; to harmonize provisions; to repeal the original sections; and to declare an emergency." has been inserted.

(Signed) Janis M. McKenzie, Chairperson

MOTION - Return LB 630 to Select File

Mr. Will moved to return LB 630 to Select File for his specific amendment, AM3577, found in the Journal on page 1046.

The Will motion to return prevailed with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 630. The Will specific amendment, AM3577, found in the Journal on page 1046, was adopted with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 630 to Select File

Mr. Hartnett moved to return LB 630 to Select File for his specific amendment, AM4433, found in the Journal on page 1815.

The Hartnett motion to return prevailed with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 630. The Hartnett specific amendment, AM4433, found in the Journal on page 1815, was adopted with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendment to LB 942

Mr. Coordsen withdrew his amendment, AM4006, found in the Journal on page 1061, to LB 942.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 942.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1110, Revised Statutes Supplement, 1993; to change provisions relating to securities exempt from registration; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud	Crosby	Hillman	Moore	Schmitt
Ashford	Cudaback	Hudkins	Pedersen	Vrtiska
Avery	Dierks	Janssen	Pirsch	Wesely
Beutler	Elmer	Jones	Preister	Wickersham
Bohlke	Engel	Kristensen	Rasmussen	Will
Bromm	Fisher	Landis	Robak	Witek
Byars	Hall	Lindsay	Schellpeper	Withem
Coordsen	Hartnett	Matzke	Schimek	

Voting in the negative, 0.

Present and not voting, 2:

Chambers Lynch

Excused and not voting, 8:

Bernard-Stevens	Day	McKenzie	Robinson	Wehrbein
	Haberman	Monen	Warner	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 967 to Select File

Mr. Landis moved to return LB 967 to Select File for the Landis-Chambers specific amendment, AM4220, found in the Journal on page 1672.

Mr. Bromm asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

The Landis motion to return prevailed with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 967. The Landis-Chambers specific amendment, AM4220, found in the Journal on page 1672, was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1106.

A BILL FOR AN ACT relating to juvenile courts; to amend sections 25-1901, 25-2729, and 25-2733, Reissue Revised Statutes of Nebraska, 1943, and sections 25-2728, 43-287.01, 43-2,106, 43-2,126, and 43-2,129, Revised Statutes Supplement, 1992; to provide that all appeals from the juvenile courts be taken to the Court of Appeals; to transfer provisions for such appeals; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Beutler	Chambers	Cudaback	Engel
Ashford	Bohlke	Coordsen	Day	Fisher
Avery	Byars	Crosby	Elmer	Hall

Hartnett	Lynch	Pedersen	Schellpeper	Wesely
Hillman	Matzke	Pirsch	Schimek	Wickersham
Janssen	McKenzie	Preister	Schmitt	Will
Kristensen	Monen	Rasmussen	Vrtiska	Witek
Landis	Moore	Robak	Wehrbein	Withem
Lindsay				

Voting in the negative, 0.

Present and not voting, 4:

Dierks	Hudkins	Jones	Robinson

Excused and not voting, 4:

Bernard-Stevens	Bromm	Haberman	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1106A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1106, Ninety-third Legislature, Second Session, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Day	Hudkins	Monen	Schmitt
Ashford	Dierks	Janssen	Moore	Vrtiska
Avery	Elmer	Kristensen	Pedersen	Wehrbein
Beutler	Engel	Landis	Pirsch	Wesely
Bohlke	Fisher	Lindsay	Rasmussen	Wickersham
Byars	Hall	Lynch	Robak	Will
Chambers	Hartnett	Matzke	Schellpeper	Witek
Coordsen	Hillman	McKenzie	Schimek	Withem
Crosby				

Voting in the negative, 0.

Present and not voting, 4:

Cudaback	Jones	Preister	Robinson

Excused and not voting, 4:

Bernard-Stevens	Bromm	Haberman	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 913. With Emergency.

A BILL FOR AN ACT relating to employment security; to amend section 48-628, Revised Statutes Supplement, 1992; to change provisions relating to disqualification for benefits; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Cudaback	Hudkins	Monen	Schmitt
Ashford	Day	Janssen	Moore	Vrtiska
Avery	Dierks	Jones	Pedersen	Wehrbein
Beutler	Elmer	Kristensen	Pirsch	Wesely
Bohlke	Engel	Landis	Preister	Wickersham
Bromm	Fisher	Lindsay	Rasmussen	Will
Byars	Hall	Lynch	Robak	Witek
Coordsen	Hartnett	Matzke	Schellpeper	Withem
Crosby	Hillman	McKenzie	Schimek	

Voting in the negative, 0.

Present and not voting, 2:

Chambers	Robinson

Excused and not voting, 3:

Bernard-Stevens	Haberman	Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 1068. E & R amendment, AM5704, found in the Journal on page 1292, was adopted.

Mr. Wickersham renewed his pending amendment, AM3946, found in the Journal on page 1410.

Mr. Byars asked unanimous consent to be excused until he returns. No objections. So ordered.

The Wickersham amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

PRESIDENT ROBAK PRESIDING

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 942, 1106, 1106A, and 913.

SELECT FILE

LEGISLATIVE BILL 1310. E & R amendment, AM5709, found in the Journal on page 1293, was adopted.

Mrs. Bohlke asked unanimous consent to replace her pending amendment, AM3855, found in the Journal on page 1308, with a substitute amendment. No objections. So ordered.

Mrs. Bohlke withdrew her amendment, AM3855, found in the Journal on page 1308.

Mrs. Bohlke offered the following substitute amendment:
AM4253

1. Strike original section 9 and insert the following new sections:

"Sec. 7. The governing body of any school district may authorize the issuance of a pass to any elected or appointed official, employee, retired employee, or volunteer of the district, member of a senior citizens group, or city official authorizing the admittance of the recipient of the pass and his or her spouse to recognized school activities without the need for the payment of any fee or charge. Such pass may be issued at no cost to the recipient or at such cost as may be designated by the governing body.

Sec. 8. For purposes of section 7 of this act, volunteer shall mean a person who is not an elected or

appointed official or employee of a school district who, at the request or with the permission of the governing body of the school district, engages in activities related to the purposes and functions of the school district or for its general benefit.

Sec. 13. The board of governors of any community college area may authorize the issuance of a pass to any elected or appointed official, employee, retired employee, or volunteer of the community college area, member of a senior citizens group, or city official authorizing the admittance of the recipient of the pass and his or her spouse to recognized college activities without the need for the payment of any fee or charge. Such pass may be issued at no cost to the recipient or at such cost as may be designated by the board of governors.

Sec. 14. For purposes of section 13 of this act, volunteer shall mean a person who is not an elected or appointed official or employee of a community college area who, at the request or with the permission of the board of governors of the community college area, engages in activities related to the purposes and functions of the community college area or for its general benefit.

Sec. 18. This section and sections 7, 8, and 17 of this act shall become operative on their effective date. The other sections of this act shall become operative three calendar months after the adjournment sine die of this legislative session.

Sec. 20. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 20, line 28, strike "79-1248,".

3. Renumber the remaining sections accordingly.

The Bohlke amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mrs. Bohlke withdrew her amendment, AM4157, found in the Journal on page 1553.

Messrs. Wickersham and Jones renewed their pending amendment, AM3798, found in the Journal on page 1561.

Mr. Withem offered the following amendment to the Wickersham-Jones pending amendment:

FA541

Amend AM3798, to add a new section

"This section shall become operative on July 1, 1997

Mr. Withem withdrew his amendment.

Messrs. Wickersham and Jones withdrew their amendment, AM3798, found in the Journal on page 1561.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1292. E & R amendment, AM5705, found in the Journal on page 1293, was adopted.

Mr. Landis withdrew his amendment, AM3475, found in the Journal on page 1039.

Messrs. Landis and Hall withdrew their amendment, AM3910, printed separately from the Journal and referred to on page 1353.

Messrs. Landis and Hall renewed their pending amendment, AM4051, printed separately from the Journal and referred to on page 1480.

The Landis-Hall amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1244. Advanced to E & R for engrossment.

LEGISLATIVE BILL 906. Mr. Bromm withdrew his amendment, AM4042, found in the Journal on page 1421.

Mrs. Hudkins renewed her pending amendment, AM3989, found in the Journal on page 1436.

The Hudkins amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 694. E & R amendment, AM5650, printed separately from the Journal and referred to on page 706, was adopted.

Mr. Schellpeper withdrew his amendments, AM3052, AM3110, AM3146, and AM4112, found in the Journal on pages 757, 758, 759, and 1527.

Mr. Kristensen withdrew his amendment, AM3259, found in the Journal on page 759.

Mr. Hall withdrew his amendment, AM3362, found in the Journal on page 860.

Mrs. Bohlke withdrew her amendment, AM3395, printed separately from the Journal and referred to on page 860.

Mr. Robinson withdrew his amendment, AM4004, found in the Journal on page 890.

Mr. Pedersen withdrew his amendment, AM4035, printed separately from the Journal and referred to on page 1022.

Mr. Lynch withdrew his amendment, AM3515, found in the Journal on page 1131.

Messrs. Schellpeper, Will, Hall, and Kristensen offered the following amendment:
AM4432

(Amendments to E & R Amendments, AM5650)

1. Insert the following new sections:

"Sec. 109. That section 9-629, Revised Statutes Supplement, 1992, be amended to read as follows:

9-629. (1) Except as provided in section 9-629.02, the gross proceeds of any lottery conducted by a county, city, or village shall be used solely for community betterment purposes, awarding of prizes, taxes, and expenses.

(2) Not less than sixty-five percent of the gross proceeds shall be used for the awarding of prizes, except that for purposes of conducting a lottery authorized by subdivision (1)(c)(ii) of section 9-607, not less than sixty-five percent of the gross proceeds during an annual period from July 1 to June 30 of each year shall be used for the awarding of prizes.

(3) Not more than fourteen percent of the gross proceeds shall be used to pay the expenses of operating the lottery, except that license fees paid to the department and audit or legal expenses incurred by the county, city, or village which relate directly to the conduct of operating such lottery ~~shall~~ need not be included in determining the fourteen-percent limitation on expenses.

(4) For purposes of this section, audit and legal expenses shall include all expenses relating to: (a) The governmental organization of the lottery; (b) government maintenance, monitoring, and examination of lottery records; and (c) enforcement, regulatory, administrative, investigative, and litigation functions undertaken by government, but shall not include the expenses of the actual conduct of the game. Audit and legal expenses during an annual period from July 1 to June 30 of each year in excess of one percent of gross proceeds or five thousand dollars, whichever is greater, shall be subject to the fourteen percent limitation on expenses under subsection (3) of this section. In the case of a joint lottery conducted pursuant to an

interlocal agreement as provided for in section 9-625, the combined gross proceeds of the joint lottery shall be used to determine that portion of audit and legal expenses that are not subject to the fourteen percent limitation on expenses.

Sec. 127. That original sections 9-809 and 9-812, Revised Statutes Supplement, 1993, are repealed.

Sec. 128. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 19, line 6; page 22, line 4; page 72, lines 18 and 19; page 75, lines 15 and 16; page 117, line 23; and page 120, lines 20 and 21, strike "member, or employee" and insert "employee, or limited liability company member".

3. On page 21, line 19; page 24, line 4; page 75, line 4; and page 77, line 15, strike "agents, or members" and insert "or agents".

4. On page 26, line 19; and page 80, line 8, after the period insert "If the documents requested by the department are in the custody of a limited liability company, the court order may be directed to any member when management is reserved to the members or otherwise to any manager.".

5. On page 34, line 9, strike "profits" and insert "receipts".

6. On page 51, line 5, after "the" insert "previous"; in line 6 strike "of the prior year"; and in line 19 strike "fixed expenses" and insert "the purchase, rental, or lease of bingo equipment and the rental or lease of a premises for the conduct of bingo".

7. On page 55, line 4, strike "or indirectly"; in line 6 strike "shall" and insert "may"; and strike beginning with the last comma in line 7 through "persons" in line 9 and insert "bingo. Such persons shall not".

8. On page 67, line 18, after the semicolon insert "and"; and strike beginning with the semicolon in line 20 through "act" in line 22.

9. On page 79, line 11, after the last comma insert "limited liability companies,".

10. On page 105, line 22, strike "and" and show as stricken and before the period insert ", and allocations for bingo expenses as provided by subsection (5) of this section".

11. On page 106, line 17, after the period insert "When determining the six percent of definite profit that is permitted to pay the allowable expenses of operating a lottery by the sale of pickle cards, the definite profit from the sale of pickle cards at the organization's bingo occasions shall not be included.".

12. On page 107, line 5, after "the" insert "previous"; in line 6 strike "of the prior year"; and in lines 18 and 19 strike "fixed expenses" and insert "the purchase,

rental, or lease of bingo equipment and the rental or lease of a premises for the conduct of bingo".

13. On page 120, lines 9 and 10; and page 122, lines 19 and 20, strike ", employees, or members" and insert "or employees".

14. On page 147, after line 23 insert the following new paragraph:

"To assist the council in carrying out its duties, the State Board of Education shall, in consultation with the council, adopt and promulgate rules and regulations establishing criteria, standards, and procedures regarding the selection and administration of programs funded from the Education Innovation Fund.".

15. On page 159, line 20, strike "112 and 125" and insert "113 and 126"; in line 21 after the period insert "Sections 116, 119, 124, 127, and 128 of this act shall become operative on their effective date."; in line 22 strike "on their effective date" and insert "three calendar months after adjournment sine die of this legislative session"; in line 23 after "original" insert "section 9-629, Revised Statutes Supplement, 1992, and"; and in line 24 strike "9-809, 9-812,".

16. Renumber the remaining sections accordingly.

The Schellpeper et al. amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 694A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1044. E & R amendment, AM5710, found in the Journal on page 1364, was adopted.

Mr. Chambers renewed his pending amendment, FA539, found in the Journal on page 1819.

Messrs. Schellpeper, Cudaback, Wickersham, and Ms. Day asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Hudkins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 6:

Chambers	Lindsay	Monen	Robak	Will
Hall				

Voting in the negative, 25:

Abboud	Elmer	Hudkins	Lynch	Schmitt
Avery	Engel	Janssen	Matzke	Warner
Bromm	Fisher	Jones	Moore	Wehrbein
Byars	Haberman	Kristensen	Pedersen	Wickersham
Crosby	Hillman	Landis	Schimek	Witek

Present and not voting, 13:

Ashford	Coordsen	McKenzie	Robinson	Wesely
Beutler	Dierks	Preister	Vrtiska	Withem
Bohlke	Hartnett	Rasmussen		

Absent and not voting, 1:

Pirsch

Excused and not voting, 4:

Bernard-Stevens	Cudaback	Day	Schellpeper

The Chambers amendment lost with 6 ayes, 25 nays, 13 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 30:

Ashford	Dierks	Janssen	Monen	Vrtiska
Avery	Engel	Jones	Preister	Warner
Bohlke	Hall	Kristensen	Rasmussen	Wehrbein
Bromm	Hartnett	Landis	Robinson	Wickersham
Byars	Hillman	Matzke	Schimek	Witek
Crosby	Hudkins	McKenzie	Schmitt	Withem

Voting in the negative, 2:

Chambers Robak

Present and not voting, 13:

Abboud	Elmer	Lindsay	Pedersen	Wesely
Beutler	Fisher	Lynch	Pirsch	Will
Coordsen	Haberman	Moore		

Excused and not voting, 4:

Bernard-Stevens	Cudaback	Day	Schellpeper

Advanced to E & R for engrossment with 30 ayes, 2 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1087. Mr. Lindsay moved to bracket until April 15, 1994.

Mmes. Bohlke, Crosby, Rasmussen, Messrs. Engel, and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Lindsay moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Lindsay withdrew his motion to bracket.

Pending.

The Chair declared the call raised.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 8, 1994, at 10:30 a.m., were the following bills: 942, 1106, 1106A, and 913.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 7, 1994. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Schmidt, Tom - St. Paul, MN	Pfizer Pharmaceuticals
Seever, Samuel F. - Lincoln	Harris Laboratories, Inc.
Welch, Aimee Renee - Omaha	University of Nebraska at Omaha/Student Government

RESOLUTION

LEGISLATIVE RESOLUTION 503. Introduced by Hall, 7.

WHEREAS, the Nebraska Cable Operators Association provided the labor and materials for the wiring infrastructure for the Capitol building closed circuit system; and

WHEREAS, the closed circuit system enables the Legislature to provide instant overflow accommodations and capabilities for large public hearings; and

WHEREAS, this is one of the first steps toward the information highway by bringing public hearings statewide through Network Five and by encouraging cable television companies throughout the state to carry the legislative debate in their communities; and

WHEREAS, this demonstrates how government and private enterprise can work in partnership, as this project involved the cooperation of the Legislative Council, the Department of Administrative Services, educational television, and the Nebraska Cable Operators Association in order to develop this system; and

WHEREAS, this system brings the citizens of the state closer together, eliminating long hours of travel for citizens in order to actively participate in state government throughout Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature extend its appreciation to the Nebraska Cable Operators Association for their generosity and their leadership on this project.

2. That a copy of this resolution be sent to the Nebraska Cable Operators Association.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Robinson asked unanimous consent to print the following amendment to LB 1034 in the Journal. No objections. So ordered.

AM4431

(Amendments to Standing Committee amendments, AM3959)

1. Insert the following new section:

"Sec. 3. That section 81-1566.01, Revised Statutes Supplement, 1993, be amended to read as follows:

81-1566.01. Sections 81-1504.01, 81-1534, 81-1536,

81-1542, 81-1548.01, 81-1548.02, 81-1549, 81-1553, 81-1556 to 81-1559, 81-1560.01 to 81-1560.04, 81-1561, 81-1563, 81-1565, 81-1566.01, and 81-15,163 shall become operative on July 1, 1993. ~~Sections 81-15,160, 81-15,164, and 81-15,165 and the~~ The repeal of section 81-15,163 shall become operative on December 1, 1994, if the proceeds received prior to December 1, 1994, from the litter fee imposed by sections 81-1559 to 81-1560.02 for the period July 1, 1993, through June 30, 1994, are one million four hundred thousand dollars or more.".

2. On page 1, line 22, after "tires" insert "in any form".

3. On page 7, line 5, strike both occurrences of "site" and insert "facility"; and strike line 19, show the old matter as stricken, and insert "sections 81-15,159 to 81-15,165 and from loan repayments".

4. On page 17, line 4, strike "scrap"; and strike lines 19 through 21 and insert: "On or before June 30, 1999, the fees remitted under this section shall be remitted to the State Treasurer for credit to the Scrap Tire Reduction and Recycling Incentive Fund and after June 30, 1999, the fees remitted under this section shall be remitted to the State Treasurer for credit to the Waste Reduction and Recycling Incentive Fund.".

5. On page 18, lines 5 and 8 after "grant" insert "or loan allocation"; and in line 6 strike "loan" and insert "grant or loan allocation".

6. On page 20, lines 7 and 15, strike "land, buildings," and insert "buildings".

7. On page 21, line 22; and page 22, line 5, strike "section 81-15,162", show as stricken, and insert "sections 81-15,159 to 81-15,165".

8. On page 21, line 27 strike "such section" and insert "section 81-15,162".

9. Renumber the remaining sections and correct internal references accordingly.

SELECT FILE

LEGISLATIVE BILL 1087. Mr. Ashford withdrew his amendment, FA520, found in the Journal on page 1691.

Mr. Ashford renewed his pending amendment, AM4351, found in the Journal on page 1727.

Messrs. Janssen and Schmitt asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wickersham offered the following amendment to the Ashford pending amendment:

(Amendment on file in the Clerk's Office - Room 2018 - AM3864.)

Mrs. Robak and Mr. Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

MR. MOORE PRESIDING

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. CROSBY PRESIDING

Ms. Schimek moved the previous question. The question is, "Shall the debate now close?"

Mr. Will moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Haberman requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 36:

Abboud	Cudaback	Kristensen	Pedersen	Schmitt
Ashford	Day	Landis	Pirsch	Vrtiska
Avery	Fisher	Lindsay	Preister	Warner
Bernard-Stevens	Hall	Lynch	Rasmussen	Wehrbein
	Hillman	Matzke	Robak	Will
Beutler	Hudkins	McKenzie	Robinson	Witek
Bromm	Janssen	Moore	Schimek	Withem
Coordsen	Jones			

Voting in the negative, 3:

Byars	Chambers	Haberman

Present and not voting, 2:

Crosby	Wickersham

Absent and not voting, 2:

Elmer	Monen

Excused and not voting, 6:

Bohlke	Engel	Hartnett	Schellpeper	Wesely
Dierks				

The motion to cease debate prevailed with 36 ayes, 3 nays, 2 present and not voting, 2 absent and not voting, and 6 excused and not voting.

Mr. Wickersham withdrew his amendment, AM3864.

The Chair declared the call raised.

Mrs. Witek and Mr. Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?"

Mr. Lynch moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chair declared the call raised.

Mr. Robinson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Ashford moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Mr. Ashford requested a roll call vote on his amendment.

Voting in the affirmative, 30:

Abboud	Bromm	Engel	Lynch	Rasmussen
Ashford	Byars	Fisher	Matzke	Robinson
Avery	Cudaback	Hartnett	Monen	Schmitt
Bernard-Stevens	Day	Hillman	Moore	Will
	Dierks	Janssen	Pedersen	Witek
Beutler	Elmer	Landis	Pirsch	Withem
Bohlke				

Voting in the negative, 9:

Hall	Preister	Vrtiska	Wehrbein	Wickersham
Kristensen	Schimek	Warner	Wesely	

Present and not voting, 9:

Chambers	Coordsen	Crosby	Haberman	Hudkins

Jones Lindsay McKenzie Robak

Excused and not voting, 1:

Schellpeper

The Ashford amendment was adopted with 30 ayes, 9 nays, 9 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Messrs. Pedersen and Robinson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Landis offered the following amendment:
AM4316

1. Insert the following new sections:

"Section 1. That section 77-27,142, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,142. (1) Any incorporated municipality by ordinance of its governing body is hereby authorized to impose a sales and use tax of one-half percent, one percent, or one and one-half percent upon the same transactions within such incorporated municipality on which the State of Nebraska is authorized to impose a tax pursuant to the Nebraska Revenue Act of 1967, as amended from time to time. No sales and use tax shall be imposed pursuant to this section until an election has been held and a majority of the qualified electors have approved such tax pursuant to sections 77-27,142.01 and 77-27,142.02.

(2) A city of the metropolitan class is hereby authorized to increase any city sales and use tax existing on January 1, 1978, imposed pursuant to this section by an amount not to exceed one-half of one percent if the question of such tax increase is submitted to the voters of such city and the voters by a majority vote approve such increase. The question of such increase shall be submitted to the voters at the primary or general election in 1980 if the city council shall submit a certified copy of a resolution to that effect to the election commissioner not later than forty-one days prior to the primary or general election. Notwithstanding the provisions of section 77-27,143, if the increase is approved by the voters at the primary or general election in 1980, the election commissioner shall file a certified copy of the election results with the Tax Commissioner on or before the last day of the month in which the election is held. If the increase is not approved by the voters at the primary or general election in 1980, no tax increased pursuant to this section shall remain in effect after December 31, 1980.

(3) A city of the primary class is hereby authorized to increase any city sales and use tax existing on January 1, ~~1985~~ 1994, imposed pursuant to this section by an amount not to exceed one-half of one percent until the effective date of a change in the rate of sales tax imposed pursuant to section 77-2701.02 to five and one-half percent or greater if the question of ~~such~~ the one-half of one percent tax increase is submitted to the voters of such city and the voters by a majority vote approve such increase. Such increase shall be dedicated for street improvement, including the construction, resurfacing, maintenance, repair, or improvement of public roads and right-of-ways and the appurtenances thereto, including storm sewers, lighting, and landscaping. The question of such increase shall be submitted to the voters at the next primary or general election or at a special election if the city council shall submit a certified copy of a resolution proposing the tax increase to the election commissioner within a reasonable time prior to the primary, general, or special election. If the increase is approved by the voters at the primary, general, or special election, the election commissioner shall file a certified copy of the election results with the Tax Commissioner on or before the last day of the month in which the election is held. If the voters of a city of the primary class have not approved such an increase by December 31, ~~1987~~ 1996, the question of such an increase shall not be submitted thereafter to the voters and there shall be no increase in the city sales and use tax.

(4) A city of the first or second class or village is hereby authorized to increase any city sales and use tax existing on January 1, 1986, imposed pursuant to this section by an amount not to exceed one-half of one percent if the question of such tax increase is submitted to the voters of such city or village and the voters by a majority vote approve such increase. The question of such increase shall be submitted to the voters at any primary or general election or at a special election if the city council or village board shall submit a certified copy of a resolution proposing the tax increase to the election commissioner or county clerk within a reasonable time prior to the primary, general, or special election. If the increase is approved by the voters at the primary, general, or special election, the election commissioner or county clerk shall file a certified copy of the election results with the Tax Commissioner on or before the last day of the month in which the election is held.

Sec. 2. That original section 77-27,142, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

Pending.

Mr. Chambers moved to reconsider the Ashford amendment, AM4351, found in the Journal on page 1727 and considered on page 1837.

Messrs. Lynch and Schmitt asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 885. Placed on Select File as amended.
E & R amendment to LB 885:
AM5740

1. In the Standing Committee amendment, AM3123:

a. On page 50, lines 15 and 16, strike "of the court" and show as stricken; and

b. On page 51, lines 6 and 11, strike "court of review", show as stricken, and insert "reviewing entity"; and in line 14 strike "court", show as stricken, and insert "reviewing entity".

2. Strike beginning with page 1, line 2, through page 2, line 6 and insert "13-513, 46-133, 77-202.04, 77-202.06, 77-202.25, 77-501, 77-502, 77-503, 77-612, 77-915, 77-1234, 77-1314, 77-1507, 77-1513, 77-1515, 77-1606, 77-1623, 77-2023, 77-2798, 77-27,103, 77-27,109, 77-27,127, 77-27,130, 77-3519, 77-4020, and 84-920, Reissue Revised Statutes of Nebraska, 1943, sections 66-4,144, 77-1233.04, 77-1311, 77-1338, 77-1502, 77-1504, 77-1514, 77-1602, 77-27,137, 77-4316, and 84-917, Revised Statutes Supplement, 1992, and sections 13-504, 13-509, 66-4,142, 77-1239.01, 77-1510, 77-1775.01, 77-2106.01, 77-3438, and 79-3819, Revised Statutes Supplement, 1993; to adopt the Tax Equalization and Review Commission Act; to eliminate the State Board of Equalization and Assessment and certain provisions relating to the taxation of estates; to create commissions; to change appeal procedures; to transfer powers and duties; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections, and also sections 77-508.01, 77-511, 77-1511, 77-1608, 77-1764, 77-1768, and 77-1769, Reissue Revised Statutes of Nebraska, 1943, sections 77-399, 77-3,100, 77-505, 77-506, 77-510, 77-1607, and 77-1609, Revised Statutes Supplement, 1992, and sections 77-507.01, 77-508, 77-509, and 77-509.01, Revised Statutes Supplement, 1993.".

LEGISLATIVE BILL 885A. Placed on Select File.

LEGISLATIVE RESOLUTION 277CA. Placed on Select File.

LEGISLATIVE BILL 1354. Placed on Select File as amended.
E & R amendment to LB 1354:
AM5738

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 2-1207, Revised Statutes Supplement, 1993, be amended to read as follows:

2-1207. (1) Within the enclosure of any racetrack where a race or race meeting licensed and conducted under sections 2-1201 to 2-1218 is held or at a racetrack licensed to simulcast races or conduct interstate simulcasting, the parimutuel method or system of wagering on the results of the respective races may be used and conducted by the licensee. Wagers placed through licensed teleracing facilities or by approved telephonic wagering as authorized by sections 2-1230 to 2-1242 shall be deemed to be wagers placed and accepted within the enclosure of any racetrack. Under such system, the licensee may receive wagers of money from any person present at such race or racetrack receiving the simulcast race or conducting interstate simulcasting or placed through a licensed teleracing facility or by approved telephonic wagering by any person who may legally wager on any horse in a race selected by such person to run first in such race, and the person so wagering shall acquire an interest in the total money so wagered on all horses in such race as first winners in proportion to the amount of money wagered by him or her. Such licensee shall issue to each person so wagering a certificate on which shall be shown the number of the race, the amount wagered, and the number or name of the horse selected by such person as first winner. As each race is run, at the option of the licensee, the licensee may deduct from the total sum wagered on all horses as first winners not less than fifteen percent or more than eighteen percent from such total sum, plus the odd cents of the redistribution over the next lower multiple of ten. At the option of the licensee, the licensee may deduct up to and including twenty-three percent from the total sum wagered by exotic wagers. ~~as defined in section 2-1208.03.~~ The licensee shall notify the State Racing Commission in writing of the percentages the licensee intends to deduct during the live race meet conducted by the licensee and shall notify the commission at least one week in advance of any changes to such percentages the licensee intends to make. The licensee shall also deduct from the total sum wagered by exotic wagers, if any, the tax plus the odd cents of the redistribution over the next multiple of ten. ~~as provided in subsection (1) of section 2-1208.04.~~ The balance remaining on hand shall be paid out to the holders of certificates on the winning horse in the proportion that the

amount wagered by each certificate holder bears to the total amount wagered on all horses in such race to run first. The licensee may likewise receive such wagers on horses selected to run second, third, or both, or in such combinations as the commission may authorize, the method, procedure, and authority and right of the licensee, as well as the deduction allowed to the licensee, to be as specified with respect to wagers upon horses selected to run first.

(2) At all race meets held pursuant to this section, the licensee shall deduct from the total sum wagered one-third of the amount over fifteen percent deducted pursuant to subsection (1) of this section on wagers on horses selected to run first, second, or third and one percent of all exotic wagers to be used to promote agriculture and horse breeding in Nebraska and for the support and preservation of horseracing pursuant to section 2-1207.01.

(3) For purposes of this section, exotic wager shall mean daily double, exacta, quinella, trifecta, pick six, and other similar types of bets which are approved by the commission.

(4) No minor shall be permitted to make any parimutuel wager, and there shall be no wagering except under the parimutuel method outlined in this section. Any person, association, or corporation who knowingly aids or abets a minor in making a parimutuel wager shall be guilty of a Class IV misdemeanor.

Sec. 2. That section 2-1208.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1208.04. (1) Racetracks shall separately account for their gross exotic daily receipts. For all meets commencing after ~~January 1, 1987~~ the operative date of this section, any racetrack that had for its previous race meet a total parimutuel handle of less than fifty million dollars shall withhold an amount equal to one-half of one percent of such receipts~~,~~ and any racetrack that had for its previous race meet a total parimutuel handle of fifty million dollars or more shall withhold an amount equal to one percent of such receipts, except that for all meets commencing on or after January 1, 1995, each racetrack shall withhold an amount equal to one-fourth of one percent of such receipts, which amount shall be deducted from purses at the withholding track. Such amount withheld shall be paid to the State Racing Commission on the last day of each month during each race meeting for deposit in the Track Distribution Fund, which fund is hereby created.

(2) The ~~Track Distribution Fund shall be distributed as follows:~~

~~(a) Fifteen percent of the fund shall be distributed monthly to recipient racetracks which conduct~~

~~wagering by the parimutuel method on quarterhorse racing. Such racetracks shall receive the percentage of the fifteen percent which the total number of days of horseraces run at such racetrack in the year of distribution bears to the total number of days of horseraces run at all such racetracks in the year of distribution; and~~

~~(b) Eighty-five percent of the~~ fund shall be distributed monthly to recipient racetracks which conduct wagering by the parimutuel method on thoroughbred horseracing. Such racetracks shall receive the percentage ~~of the eighty-five percent~~ which the total number of days of horseraces run at such racetrack in the year of distribution bears to the total number of days of horseraces run at all such racetracks in the year of distribution. ~~For purposes of this section, distribution for any recipient racetrack racing fewer than thirty days shall be based on a minimum of thirty days and any racetrack racing more than thirty-five days shall be based on a maximum of thirty-five days of racing. One-half~~ Before January 1, 1995, one-half of the amount received under this subsection by a racetrack shall be used to supplement purses at the track, and on and after January 1, 1995, the entire amount received by a racetrack shall be used to supplement purses at the track.

(3) Any money in the Track Distribution Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to ~~72-1269~~ 72-1276. Any money in the fund which is not distributed at the end of the calendar year shall be available for expenditure by the commission to defray its expenses pursuant to section 2-1209.

(4) The assessment required by this section shall be in addition to the assessments, taxes, and fees required by Chapter 2, article 12.

Sec. 3. Sections 2-1208.03 and 2-1208.04 shall terminate January 1, 1996.

Sec. 4. Sections 1 and 5 of this act shall become operative on January 1, 1996. The other sections of this act shall become operative on their effective date.

Sec. 5. That original section 2-1207, Revised Statutes Supplement, 1993, is repealed.

Sec. 6. That original section 2-1208.04, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

LEGISLATIVE RESOLUTION 293CA. Placed on Select File.

(Signed) Janis M. McKenzie, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Cudaback asked unanimous consent to print the following amendment to LB 1257 in the Journal. No objections. So ordered.

AM4449

1. Insert the following new section:

"Sec. 3. That section 13-503, Revised Statutes Supplement, 1993, be amended to read as follows:

13-503. For purposes of the Nebraska Budget Act, unless the context otherwise requires:

(1) Governing body shall mean, in the case of a city, the council; in the case of a village, cemetery district, community hospital for two or more adjoining counties, road improvement district, sanitary drainage district, or sanitary and improvement district, the board of trustees; in the case of a county, the county board; in the case of a township, the town board; in the case of a school district, the school board; in the case of a rural or suburban fire protection district, reclamation district, natural resources district, or hospital district, the board of directors; in the case of a health district, the board of health; in the case of a regional library, the regional library commission; in the case of an educational service unit, the board; in the case of a community college, the Community College Board of Governors for the area the board serves; in the case of an airport authority, the airport authority board; in the case of a weed control authority, the board; and in the case of a county agricultural society, the board of directors;

(2) Levying board shall mean any governing body which has the power or duty to levy a tax;

(3) Fiscal year shall mean the twelve-month period used by each governing body in determining and carrying on its financial and taxing affairs;

(4) Tax shall mean any general or special tax levied against persons, property, or business for public purposes as provided by law but shall not include any special assessment;

(5) Auditor shall mean the Auditor of Public Accounts;

(6) Cash reserve shall mean funds required for the period before revenue would become available for expenditure but shall not include funds held in any special reserve fund;

(7) Public funds shall mean all money, including nontax money, used in the operation and functions of governing bodies. For purposes of a county, city, or village which has a lottery established under the Nebraska County and City Lottery Act, only those net proceeds which are actually received by the county, city, or village from a licensed lottery operator shall be considered public funds, and public funds shall not include amounts awarded as prizes;

(8) Adopted budget statement shall mean a proposed budget statement which has been adopted or amended and adopted as provided in section 13-506. Such term shall include additions, if any, to an adopted budget statement made by a supplemental budget which has been adopted as provided in section 13-511; and

(9) Special reserve fund shall mean a any special fund set aside by the governing body for a particular purpose and not available for expenditure for any other purpose. Funds created for (a) the retirement of bonded indebtedness, (b) the funding of employee pension plans, (c) the purposes of the Political Subdivisions Self-Funding Benefits Act, (d) the purposes of the Local Option Municipal Economic Development Act, (e) voter-approved sinking funds, or (f) statutorily authorized sinking funds shall be considered special reserve funds.".

2. On page 3, line 7, after "13-501" insert ", 13-503,".

3. Renumber the remaining sections accordingly.

Mr. Kristensen asked unanimous consent to print the following amendment to LB 1015 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM4436.)

UNANIMOUS CONSENT - Add Cointroducer

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LB 630. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Cointroducer

Mr. Will asked unanimous consent to have his name withdrawn as cointroducer to LB 1087. No objections. So ordered.

VISITORS

Visitors to the Chamber were 13 seniors and sponsor from Ralston High School; 45 fifth through eighth grade students and sponsors from Richland District 1 School, Columbus; Alicia Chandler from Lincoln; 35 seventh, eighth, and ninth grade students and teacher from Lexington; 70 fourth grade students and sponsors from Ashland-Greenwood School, Ashland; Robin and Heather Stauffer; 15 fourth and fifth grade students and teacher from Mason City; 40 fourth and eighth grade students and teachers from Humphrey Public School; 30 students, teacher, and sponsors from West Point Central Catholic School; 52 fourth grade students and teacher from Christ Lutheran School, Norfolk; 43 fourth grade students and sponsors from

Neligh-Oakdale Public School, Oakdale; and 13 FFA members from Valentine.

ADJOURNMENT

At 2:04 p.m., on a motion by Mr. Kristensen, the Legislature adjourned until 9:00 a.m., Monday, April 11, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-SIXTH DAY - APRIL 11, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 11, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Father Tom Furlong, St. John's Vianney, Millard, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Avery, Engel, Hall, Hartnett, Kristensen, Landis, Lindsay, Matzke, Monen, Moore, Wickersham, Will, Mmes. McKenzie, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fifth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 833. Placed on Select File.

LEGISLATIVE BILL 1061. Placed on Select File as amended.
E & R amendment to LB 1061:
AM5741

1. On page 1, line 1, strike "60-507" and insert "52-601.01"; and strike beginning with "sections" in line 2 through line 14 and insert "section 60-482, Revised Statutes Supplement, 1992, and sections 60-320, 60-6,298, 75-363, 75-364, and 84-712.05, Revised Statutes Supplement, 1993; to change the period of time required before disposing of

personal property; to change provisions relating to motor vehicle registration; to eliminate an advisory committee; to authorize local authorities to issue certain special permits; to change provisions relating to the intrastate application of federal motor carrier safety and hazardous material regulations; to provide for disclosure of records relating to alcohol or drugs in body fluids; to provide operative dates; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 1061A. Placed on Select File.

LEGISLATIVE BILL 886. Placed on Select File as amended.
E & R amendment to LB 886:
AM5739

1. On page 3, line 9, after "71-649" insert "and sections 2, 4 to 6, 11, and 12 of this act".
2. On page 10, line 25, strike "15" and insert "16".

LEGISLATIVE BILL 1118. Placed on Select File as amended.
E & R amendment to LB 1118:
AM5744

1. On page 1, line 5, after "provide" insert "and change"; in line 8 after the semicolon insert "to require depositories to give bonds or other securities as prescribed; to provide penalties;".
2. On page 6, line 14, after the comma insert "clerks of the"; and in line 15 strike the first "clerks" and insert "court".

LEGISLATIVE BILL 1175. Placed on Select File as amended.
E & R amendment to LB 1175:
AM5746

1. On page 1, strike beginning with "section" in line 1 through line 4 and insert "sections 77-2711 and 77-2753, Revised Statutes Supplement, 1993; to provide duties for the Tax Commissioner relating to the reporting and allocation of city sales and use taxes, certain lodging sales tax information, and the provision of income tax withholding tables; and to repeal the original sections.".
2. On page 5, line 14, after "request" insert an underscored comma; and in line 16 strike the comma.

LEGISLATIVE BILL 902A. Placed on Select File.
LEGISLATIVE BILL 984A. Placed on Select File.

Correctly Reengrossed

The following bills were correctly reengrossed: 988 and 988A.

Correctly Engrossed

The following bills were correctly engrossed: 76, 76A, 446, 446A, 902, 974, 974A, 1035, 1035A, 1071, 1071A, 1088, 1161, 1207, 1188, 1222, 1222A, and 1223.

Enrollment and Review Change to LB 76

The following changes, required to be reported for publication in the Journal, have been made:
ER7454

1. In lieu of the Wehrbein-Moore amendment, AM4053, on page 230, line 18, "and" has been struck and an underscored comma inserted; and in line 23 ", and (c) for a member of a governing body of a village, the petition shall be signed by registered voters equal in number to at least forty-five percent of the total vote cast for that office in the last general election" has been inserted after "circulator".

2. In the Schimek amendment, AM3591, amendments 1 and 2 have been struck.

3. In the Preister amendment, AM3170, amendment 1 has been incorporated into the Schimek amendment, AM3044, on page 19, line 16, after the period.

4. In the Schimek amendment, AM3375:

a. Section 599 has been struck;

b. Section 243 has been renumbered as section 250;

c. Amendment 2.a. has been incorporated into the Schimek amendment, AM3044, on page 1, line 11, after "(2)"; and

d. On page 12, lines 26 and 27, "board of canvassers" has been struck and "county canvassing board" inserted.

5. in the Withem-Avery amendment, AM4080, section 34 has been renumbered as section 39.

6. In the E & R amendments, AM5649:

a. On page 24, line 5, "60-484, 60-4,144," has been inserted after the third comma; and in line 8 "60-4,120, 60-4,130, 60-4,130.02, 60-4,181," has been inserted before "70-610"; and in line 14 ", 32-202, 32-203" has been inserted after "32-201";

b. On page 25, line 4; and page 28, line 6, "to 32-562" has been struck and ", 32-561" inserted;

c. On page 26, line 13, "15-302," has been struck; and

d. On page 27, line 3, "60-484, 60-4,144," has been inserted after the second comma; in line 6 "60-4,120, 60-4,130, 60-4,130.02, 60-4,181," has been inserted before "70-610"; in line 12 "14-201.01," has been inserted after the first comma and "15-109, 15-302," has been inserted after the second comma; and in line 16 ", 32-202, 32-203" has been inserted after "32-201".

7. In the Standing Committee amendments, AM1741, on page 4, line 12, "fifty" has been struck and "one hundred" inserted.

8. On page 2, line 11, ", transfer," has been inserted after "change"; in line 12 "in political subdivisions" has been struck; in line 13 "general" has been struck; in line 14 "to provide for vacancies in appointive civil offices;" has been inserted after the semicolon; and in line 15 "to provide operative dates;" has been inserted after the semicolon.

9. On page 21, line 10, "fifty" has been struck and "one hundred" inserted.

10. On page 24, line 14, "groups" has been struck and "group" inserted.

11. On page 31, line 15, "places" has been struck and "place" inserted.

12. On page 50, line 5, "purposed" has been struck and "purposes" inserted.

13. On page 59, line 14, "subsection" has been struck and "subdivision" inserted.

14. On page 151, line 26, "(1)" has been struck and "(a)" inserted.

15. On page 152, line 2, "(2)" has been struck and "(b)" inserted.

16. On page 229, line 10, "classes" has been struck and "class" inserted.

17. On page 315, lines 18 and 19, "effective date of this act" has been struck and "operative date of this section" inserted.

18. Sections have been renumbered and internal references corrected accordingly.

Enrollment and Review Change to LB 446

The following changes, required to be reported for publication in the Journal, have been made:

ER7461

1. In the Wickersham amendment, AM3774, section 2 has been renumbered as section 14.

2. Because of the adoption of the Wickersham amendment, AM3774, the Wickersham amendment, AM3677, has been struck.

3. In the Landis amendment, AM3644:

a. On page 6, line 3, "the subscriber" has been struck and "such subscribers" inserted; and

b. On page 9, line 18, "a" has been struck and "the" inserted.

4. In the Standing Committee amendment, AM2684, on page 17, line 19, "the" has been inserted after "to".

5. On page 1, the matter beginning with "the" in line 1 through line 7 and all amendments thereto have been struck and "state administrative departments; to amend sections 84-905.01, 84-906, 84-907, 84-909, 84-911, 84-914, and 84-920, Reissue Revised Statutes of Nebraska, 1943, section 84-205, Revised Statutes Supplement, 1992, and section 84-901, Reissue Revised Statutes of Nebraska, 1943, as amended by section 135, Legislative Bill 414, Ninety-third Legislature, Second Session, 1994; to adopt the Negotiated Rulemaking Act; to provide duties for the Attorney General and the Secretary of State; to

define terms; to change provisions relating to the adoption of rules and regulations, procedures before state administrative departments, and declaratory orders; to provide duties and qualifications for hearing officers; to eliminate provisions relating to amendments to rules and regulations; to harmonize provisions; to" inserted.

Enrollment and Review Change to LB 902

The following changes, required to be reported for publication in the Journal, have been made:
ER7460

1. In lieu of the Warner amendment, FA525, in the Warner et al. amendment, AM4130, on page 2, lines 3 and 8, "the lesser of (a) the taxable value of the homestead or (b)" has been inserted after "mean".

2. In the Warner et al. amendment, AM4131:

a. Section 40 has been struck and the following new section inserted:

"Sec. 44. Sections 1 to 12, 14 to 17, 21 to 24, 26, 36, 42, and 45 of this act shall become operative on January 1, 1995. Sections 13, 18, 19, 20, and 46 of this act shall become operative three calendar months after the adjournment of this legislative session. The other sections of this act shall become operative on their effective date.";

b. Sections 41 to 43 have been renumbered as sections 45, 47, and 48, respectively;

c. On page 1, line 8, "77-1506.01" has been struck and "77-1506.02" inserted; and

d. On page 2, line 2, an underscored comma has been inserted after "thereafter"; in line 6 the matter beginning with "one" through the period has been struck and "the percentage of the exempt amount for which the claimant shall be eligible shall be one hundred percent." inserted; and in lines 14 and 15 and 23 the matter beginning with "one" through the period has been struck and "the percentage of the exempt amount for which the claimant is eligible shall be one hundred percent." inserted.

3. In the Warner et al. amendment, AM4130:

a. Sections 21 to 39 have been renumbered as sections 25 to 43, respectively;

b. On page 1, line 5; page 10, line 26; page 11, line 26; page 14, lines 7 and 20; and page 17, line 14, "23 to 28" has been struck and "27 to 32" inserted;

c. On page 1, line 7, "23 to 28" has been struck and "27 to 31" inserted;

d. On page 2, lines 5, 10, and 18, "28" has been struck and "32" inserted;

e. On page 4, line 27; and page 7, line 13, an underscored comma has been inserted after "taxation";

f. On page 5, lines 3 and 4, the comma has been struck and shown as stricken; and

g. On page 6, line 4, the new matter has been struck and the stricken matter reinstated.

4. Because of the passage of LB 1107, in the Bernard-Stevens amendment, AM4266, on page 2, line 12, "and certified" has been struck and "certified residential, and certified general" inserted.

5. On page 1, the matter beginning with "property" in line 1 through line 10 and all amendments thereto have been struck and "real property; to amend sections 76-214, 77-1362, 77-1364, 77-3501, 77-3504, 77-3507, 77-3509, 77-3511, 77-3521, 77-3522, 77-3523, and 77-3529, Reissue Revised Statutes of Nebraska, 1943, sections 77-1315, 77-1338, 77-1363, 77-1502, 77-1504, 77-1506.02, 77-1514, 77-3508, 77-3510, 77-3513, and 77-3514, Revised Statutes Supplement, 1992, and sections 13-509 and 77-507.01, Revised Statutes Supplement, 1993; to establish agricultural and horticultural land valuation boards and land manual areas; to define and redefine terms; to provide powers; to provide appeal procedures; to change provisions relating to valuation and categorization of agricultural land and horticultural land; to change provisions relating to statements about real estate conveyances and provide for access by appraisers; to change provisions relating to homestead exemptions; to provide for adjustments to reimbursements; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

Enrollment and Review Change to LB 988A
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER7664

1. On page 1, line 5, "to provide when certain provisions will be operative;" has been inserted after the first semicolon; and in line 6 "Laws 1993, LB 541, section 138, as amended by section 2, Legislative Bill 677A, Ninety-third Legislature, Second Session, 1994, Laws 1993, LB 541, section 138, as amended by section 120, Legislative Bill 991, Ninety-third Legislature, Second Session, 1994, and" has been inserted after "also" and ", as amended by section 174, Legislative Bill 991, Ninety-third Legislature, Second Session, 1994" has been inserted after "1".

Enrollment and Review Change to LB 1207

The following changes, required to be reported for publication in the Journal, have been made:
ER7463

1. In the Lindsay amendment, AM4327, sections 3 and 4 have been struck and sections 1 and 2 have been renumbered as sections 15 and 17, respectively.

2. In the Warner amendment, AM4337, section 1 has been struck.

3. In the Beutler-Bohlke amendment, AM4113, sections 4, 14, and 16 have been struck.

4. In the Wehrbein-Beutler amendment, AM3984, amendment 2 has been struck and section 12 renumbered as section 18.

5. In the Beutler-Bohlke amendment, AM3881:

a. On page 1, line 5, "section" has been struck and "sections 2, 3, and" inserted;

b. Section 3 has been renumbered as section 1; and

c. Section 16 has been struck.

6. In the Day-Hartnett-Beutler amendment, AM3652:

a. Sections 8 and 9 have been renumbered as sections 12 and 13, respectively; and

b. On page 2, line 19, "31-726" has been struck and "31-727" inserted.

7. In lieu of the operative date and repealer provisions which have been struck, the following sections have been inserted:

"Sec. 19. Sections 15, 17, 19, and 21 of this act shall become operative on January 1, 1989. Section 3 of this act shall become operative on January 1, 1995. The other sections of this act shall become operative on their effective date.

Sec. 21. That original section 77-27,147, Revised Statutes Supplement, 1992, and section 77-2703, Revised Statutes Supplement, 1993, are repealed.

Sec. 22. That original sections 13-2001, 13-2003, 13-2022, 13-2034, 13-2036, 13-2038, 13-2039, and 13-2042, Revised Statutes Supplement, 1992, and sections 60-335, 77-2704.15, and 81-15,176, Revised Statutes Supplement, 1993, are repealed.".

8. In the E & R amendment, AM5680:

a. On page 13, line 9, "any" has been struck;

b. On page 21, lines 17 through 27 have been struck and the following inserted:

"FOR AN ACT relating to government; to amend sections 13-2001, 13-2003, 13-2022, 13-2034, 13-2036, 13-2038, 13-2039, 13-2042, and 77-27,147, Revised Statutes Supplement, 1992, and sections 60-335, 77-2703, 77-2704.15, and 81-15,176, Revised Statutes Supplement, 1993; to provide budget requirements for joint entities and agencies created pursuant to the Interlocal Cooperation Act and Integrated Solid Waste Management Act; to provide for rebate of a landfill disposal fee; to provide duties concerning and costs of actions involving solid waste facilities, rules and regulations, permits, and permit applications for such facilities; to change provisions relating to disposal of yard waste and the time of payment of a landfill disposal fee; to change the interest rate charged for late payments; to define a term; to provide duties for the Department of Environmental Quality, the Environmental Quality Council, and the Department of Administrative Services; to require approval of actions of sanitary and improvement districts

relating to solid waste disposal sites; to change provisions relating to the Environmental Trust Fund; to exempt certain motor vehicles from registration fees; to exempt certain purchases from sales and use taxes; to change provisions relating to leases and sales tax; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency."; and

c. On page 22 lines 1 through 10 have been struck.

Enrollment and Review Change to LB 1222

The following changes, required to be reported for publication in the Journal, have been made:
ER7465

1. In AM5714:

a. On page 10, line 26, "transitions" has been struck and "transition" inserted;

b. On page 19, line 1, "subsection" has been struck and "section" inserted;

c. On page 25, line 18, "the" has been inserted before "carrier";

d. On page 34, lines 14 and 15 and 27, "subdivision (a) of" has been struck; and

e. On page 35, line 26, an underscored comma has been inserted after "program".

Enrollment and Review Change to LB 1223

The following changes, required to be reported for publication in the Journal, have been made:
ER7458

1. In the Welesy-Byars amendment, AM4275:

a. On page 14, line 10, "71-7518" has been struck and "107 of this act" inserted;

b. On page 24, line 12, "(1)" has been inserted before "Any"; and

c. On page 29, line 3, "(1)" has been inserted before "To"; in line 6 "(1)" has been struck and "(2)" inserted; and in line 16 "(2)" has been struck and "(3)" inserted.

2. In the Wesely amendment, AM4279, on page 2, line 11, "and 79-444.01" has been struck.

3. In the E & R amendment, AM5730:

a. On page 1, line 24, "71-5829," has been inserted after the fifth comma; and "and" has been struck; and

b. On page 2, line 1, "and 79-444.03," has been inserted after the first comma; in line 3 "71-3401, 71-3402," has been inserted after the last comma; in line 5 "and" has been struck and "71-7501, 71-7502, 71-7503, 71-7514, 71-7516, 71-7517, and 71-7521," has been inserted after the last comma; and in line 25 "to rename and change provisions of the Community Public Health Services Act; to state intent; to provide a termination date; to adopt the Health Care Facility-Provider

Cooperation Act; to provide for health care data analysis; to require a report; to change and eliminate provisions relating to immunization requirements for school enrollment; to provide immunity for health care payors relating to certain discussions and inquiries;" has been inserted after the semicolon.

4. On page 1, line 15, "and" has been struck; and "79-444.01, and 79-444.07," has been inserted after the last comma.

5. On page 2, line 3, "lay" has been struck; in line 15 "and" has been struck; in line 18 "and section 44-2851" has been struck and "sections 44-2851, 71-7518, and 71-7519" inserted; and in line 19 ", and section 79-444.08, Revised Statutes Supplement, 1993; and to declare an emergency" has been inserted before the period.

(Signed) Janis M. McKenzie, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Robinson asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1224. E & R amendment, AM5732, printed separately from the Journal and referred to on page 1749, was adopted.

Ms. Schimek offered the following amendment:
AM4288

(Amendments to E & R amendments, AM5732)

1. On page 18, strike beginning with "The" in line 4 through the period in line 8 and insert "It is important that children of recipient families regularly attend school and that parents make every effort to see that they do."; and in line 11 after "attendance" insert "for children sixteen years of age and younger".

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the Schimek pending amendment:
FA542

Amend AM4288
Strike all provisions of AM4288 and insert:
"Page 18, lines 2-11, strike all provisions."

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Rasmussen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 12:

Ashford	Chambers	Hall	McKenzie	Witek
Bernard-Stevens	Crosby	Hartnett	Pedersen	Withem
	Cudaback	Lindsay		

Voting in the negative, 22:

Beutler	Engel	Kristensen	Pirsch	Vrtiska
Bohlke	Fisher	Landis	Rasmussen	Warner
Bromm	Hillman	Matzke	Schellpeper	Wehrbein
Byars	Janssen	Monen	Schmitt	Wesely
Day	Jones			

Present and not voting, 9:

Coordsen	Hudkins	Moore	Robinson	Wickersham
Elmer	Lynch	Preister	Schimek	

Excused and not voting, 6:

Abboud	Dierks	Haberman	Robak	Will
Avery				

The Chambers amendment lost with 12 ayes, 22 nays, 9 present and not voting, and 6 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: 630 and 967.

Correctly Engrossed

The following bills were correctly engrossed: 408, 882, 900, 900A, 907, 981, 981A, 994, 1031, 1048, 1049, 1165, 1236, 1313, and 1313A.

Enrollment and Review Change to LB 408

The following changes, required to be reported for publication in the Journal, have been made:
ER7473
1. In the E & R amendment, AM5715, on page 2, line 13, "state" has been struck and "state's" inserted.
2. On page 1, line 4, "a" has been inserted after "and".

Enrollment and Review Change to LB 630

The following changes, required to be reported for publication in the Journal, have been made:
ER7466
1. Because of the adoption of the Will amendment, AM3577, in the Hartnett amendment, AM4433, amendment 3 has been struck.

Enrollment and Review Change to LB 900

The following changes, required to be reported for publication in the Journal, have been made:
ER7478
1. In the E & R amendments, AM5707:
a. On page 35, line 4, "any" has been struck and "the" inserted;
b. On page 38, line 1, the period has been struck and an underscored semicolon inserted;
c. On page 43, line 20, "the" has been inserted after the second "of"; and
d. On page 47, line 2, "to provide qualifications for public health clinic workers;" has been inserted after the semicolon.

Enrollment and Review Change to LB 907

The following changes, required to be reported for publication in the Journal, have been made:
ER7469
1. In the Hudkins amendment, AM3532, on page 1, line 11, "or" has been struck and shown as stricken.
2. On page 1, lines 3 and 4 and all amendments thereto have been struck and "provisions relating to false reporting; to provide for the offense of false reporting to governmental departments or agencies as prescribed; to provide a penalty; and" inserted.

Enrollment and Review Change to LB 994

The following changes, required to be reported for publication in the Journal, have been made:
ER7477
1. On page 1, line 5, "motor" has been struck and "certain" inserted.

Enrollment and Review Change to LB 1048

The following changes, required to be reported for publication in the Journal, have been made:
ER7476
1. On page 3, line 6, the first "the" has been struck and "a" inserted.

(Signed) Janis M. McKenzie, Chairperson

SELECT FILE

LEGISLATIVE BILL 1224. Mr. Chambers offered the following amendment to the Schimek pending amendment:
FA543
Amend AM4288
Line 4, after "do.", add, "Strike the remaining language through line 11."

Messrs. Janssen, Kristensen, and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Mr. Chambers offered the following amendment to the Schimek pending amendment:
FA544
AM4288 (amend)
After line 6, add, "In line 8, strike, 'It is the intent of the Legislature', and insert, 'The Legislature directs'

Mr. Chambers moved for a call of the house. The motion prevailed with 6 ayes, 0 nays, and 43 not voting.

The Chambers amendment was adopted with 25 ayes, 13 nays, 3 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

MR. HALL PRESIDING

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

The Schimek amendment, as amended, lost with 10 ayes, 26 nays, 7 present and not voting, and 6 excused and not voting.

Mrs. Crosby offered the following amendment:
AM4397

(Amendments to E & R amendments, AM5732)

1. On page 17, line 8, strike the period and insert "or when the available job does not provide wages and benefits for the recipient family equal to or greater than one hundred eighty-five percent of the federal poverty level. If the recipient accepts the available job which does not provide such wages and benefits, the state shall provide an appropriate combination of health care, child care, and cash assistance to bring the wage and benefit level of the recipient family equal to one hundred eighty-five percent of the federal poverty level.".

Messrs. Elmer and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 480, 1068, 1136, 1136A, and 1244.

Enrollment and Review Change to LB 480

The following changes, required to be reported for publication in the Journal, have been made:
ER7468

1. In the Beutler amendment, AM4251:

a. On page 1, line 15, "(a)" has been struck and "(1)" inserted; and in line 17 "(b)" has been struck and "(2)" inserted; and

b. On page 2, line 24, "46-673.14" has been struck and "28 of this act" inserted.

2. In the E & R amendment, AM5608, on page 5, line 13, "and 46-629" has been struck and "46-629, and 77-27,137.02" inserted; in line 14 "section 2-3227" has been struck and "sections 2-3227, 46-673.14, and 46-674" inserted; and in line 23 "to change provisions relating to amendment of ground water management plans; to provide

for ineligibility for certain funds as prescribed; to require implementation of a ground water management plan addressing ground water quality;" has been inserted after the semicolon.

3. In the Beutler amendment, AM1889, on page 27, line 11, an underscored comma has been inserted after "publish".

Enrollment and Review Change to LB 1068

The following changes, required to be reported for publication in the Journal, have been made:

ER7474

1. In the Wickersham amendment, AM3946:

a. Sections 4 and 5 have been renumbered as sections 5 and 6; and

b. On page 9, line 22, "5" has been struck and "6" inserted.

2. Sections 1, 2, and 3 have been renumbered as sections 4, 7, and 8, respectively.

3. On page 1, the matter beginning with "section" in line 1 through line 5 and all amendments thereto have been struck and "sections 16-1027, 16-1028, 16-1033, and 84-1301, Revised Statutes Supplement, 1993; to change provisions relating to retirement benefits for firefighters of cities of the first class; to redefine a term; to exclude certain employees of the Coordinating Commission for Postsecondary Education from the State Employees Retirement Act; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Janis M. McKenzie, Chairperson

VISITORS

Visitors to the Chamber were Senator Matzke's granddaughter, Alex; Allison Johnson from Ainsworth; six high school students and teacher from Bloomfield; 22 fourth grade students and sponsors from Brownell Talbott School, Omaha; seven high school students from Wallace; 40 fourth grade students and sponsors from Lyons-Decator Northeast School, Lyons; 30 students from Lincoln High School, Lincoln; and 43 fourth grade students and sponsor from Bennington.

RECESS

At 12:00 noon, on a motion by Mr. Bernard-Stevens, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Avery, Beutler, Byars, Cudaback, Haberman, Landis, Lindsay, Robinson, Schellpeper, Warner, Mmes. Hillman, Pirsch, and Witek who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1210. Placed on Select File as amended.
(E & R amendment, AM5743, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 1241. Placed on Select File as amended.
E & R amendment to LB 1241:
AM5745

1. On page 1, strike beginning with "transactions" in line 3 through line 5 and insert "a transaction in which a United States Series EE Savings Bond is given as a bonus; to repeal the original section; and to declare an emergency.".

LEGISLATIVE BILL 944. Placed on Select File as amended.
E & R amendment to LB 944:
AM5742

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 49-1401, Revised Statutes Supplement, 1992, be amended to read as follows:

49-1401. Sections 49-1401 to 49-14,140 and section 3 of this act shall be known and may be cited as the Nebraska Political Accountability and Disclosure Act. ~~Any reference to sections 49-1401 to 49-14,138 shall be construed to include sections 49-1499.01 and 49-14,103.01 to 49-14,103.07. After August 25, 1989, any reference to sections 49-1401 to 49-14,138 shall be construed to include sections 49-14,123.01 and 49-14,140.~~

Sec. 2. That section 49-1469, Revised Statutes Supplement, 1993, be amended to read as follows:

49-1469. (1) Any corporation, labor organization, or industry, trade, or professional association, whether organized under the laws of this state or any other state or country and doing business in this state, without being a committee as defined in section 49-1413, may make expenditures or provide personal services. It shall not be required to file reports of independent expenditures pursuant to section 49-1467, but it shall file a report with the commission within ten days after the end of the calendar month in which any expenditure is made or personal service provided. Such report shall fully disclose the nature, date, and value of any

expenditure, as well as the committee or candidate to which or in whose behalf it was made. In the case of personal services, the corporation, labor organization, or industry, trade, or professional association shall in such report fully detail the nature, the date or dates, and the specifics of the personal service provided, the committee or candidate to which or in whose behalf it was made, and the proposition in behalf of or in opposition to which it was made.

(2)(a) A corporation, labor organization, or industry, trade, or professional association may not receive contributions unless it establishes and administers a separate segregated political fund which shall be utilized only in the manner set forth in this subsection.

(b) The corporation, labor organization, or industry, trade, or professional association establishing and administering such a separate segregated political fund shall not make an expenditure to such fund, except that it may make expenditures and provide personal services for the establishment and administration of such separate segregated political fund.

(c) All contributions to and expenditures from such separate segregated political fund shall be limited to money or anything of ascertainable value obtained through the voluntary contributions of the employees, officers, directors, stockholders, or members of the corporation, including a nonprofit corporation, labor organization, or industry, trade, or professional association, and the affiliates thereof, under which such fund was established. No contribution or expenditure shall be received or made from such fund if obtained or made by using or threatening to use job discrimination or financial reprisals. Only expenditures to candidates and committees and independent expenditures may be made from a fund established by a corporation, labor organization, or industry, trade, or professional organization, except that such separate segregated political fund may receive and disburse funds for the purpose of supporting or opposing candidates and committees in elections in states other than Nebraska and candidates for federal office and making independent expenditures in such elections if such receipts and disbursements are made in conformity with the solicitation provisions of this section and the corporation, labor organization, or industry, trade, or professional association which establishes and administers such fund complies with the laws of the jurisdiction in which such receipts or disbursements are made. The expenses for establishment and administration of a separate segregated political fund of a corporation, labor organization, or industry, trade, or professional association may be paid from the separate segregated political fund of such corporation,

labor organization, or industry, trade, or professional association.

(d) The corporation, labor organization, or industry, trade, or professional association which establishes and administers a separate segregated political fund shall file the reports required by subsection (1) of this section with respect to the expenditures made or personal services provided for the establishment and administration of such fund but need not file such reports for the expenditures made from such fund. If a corporation makes an expenditure to a separate segregated political fund which is established and administered by an industry, trade, or professional association of which such corporation is a member, such corporation shall not be required to file the reports required by subsection (1) of this section.

(e) Such a separate segregated political fund is hereby declared to be an independent committee and subject to all of the provisions of the Nebraska Political Accountability and Disclosure Act applicable to independent committees, and the corporation, labor organization, or industry, trade, or professional association which establishes and administers such fund shall make the reports and filings required therefor.

(f) Notwithstanding any other provision of this section, if a corporation, labor organization, or industry, trade, or professional association is a principal as defined in section 49-1434, a separate segregated political fund associated with such corporation, labor organization, or industry, trade, or professional association shall not contribute to, act as an agent or intermediary for contributions to, or arrange for the making of contributions to the campaign funds of the Governor, the Lieutenant Governor, the Secretary of State, the Auditor of Public Accounts, the State Treasurer, the Attorney General, a member of the Legislature, or candidates for any of such offices on any day during the regular or special legislative session and, in the case of the Governor or a gubernatorial candidate, during the five days allowed for the signing of bills following the adjournment of a regular or special legislative session.

(3) Any person who knowingly violates the provisions of this section shall be guilty of a Class III misdemeanor.

Sec. 3. A principal, lobbyist, or anyone acting on behalf of either shall not contribute to, act as an agent or intermediary for contributions to, or arrange for the making of contributions to the campaign funds of the Governor, the Lieutenant Governor, the Secretary of State, the Auditor of Public Accounts, the State Treasurer, the Attorney General, a member of the Legislature, or candidates for any of such

offices on any day during the regular or special legislative session and, in the case of the Governor or a gubernatorial candidate, during the five days allowed for the signing of bills following the adjournment of a regular or special legislative session. Any person who knowingly gives a contribution in violation of this subsection shall be guilty of a Class III misdemeanor.

Sec. 4. That section 49-1483, Revised Statutes Supplement, 1992, be amended to read as follows:

49-1483. Every registered lobbyist for each of his or her principals, and every principal employing a registered lobbyist, shall file a separate statement for each month the Legislature is in session on one or more days and shall file a separate statement once during each interim period between regular sessions of the Legislature. If neither a principal or lobbyist makes any expenditures in connection with a special session of the Legislature, a monthly report for such special session shall not be required. All such statements shall be filed with the Clerk of the Legislature within fifteen days after the end of the month or interim period for which the statement is required. Each statement shall show the following:

(1) The total amount received or expended directly or indirectly for the purpose of carrying on lobbying activities, with the following categories of expenses each being separately itemized: (a) Miscellaneous expenses; (b) entertainment, including expenses for food and drink; (c) lodging expenses; (d) travel expenses; and (e) lobbyist fees for lobbyist services, except that when a principal retains the services of a person who has only part-time lobbying duties, only the compensation paid which is reasonably attributable to influencing legislative action need be reported;

(2) A statement of the portion of the total amount reported pursuant to subdivision (1) of this section which was expended during the reporting period for the direct benefit of an individual member or members of the Legislature; and

~~(2)~~ (3) A detailed statement of any money which is loaned, promised, or paid by a lobbyist, principal, or anyone acting on behalf of either to an official in the executive or legislative branch or member of such official's staff. The detailed statement shall identify the recipient and the amount and the terms of the loan, promise, or payment.

The lobbyist shall also file any changes or corrections to the information set forth in the registration required pursuant to section 49-1480 so as to reflect the correctness of such information as of the end of the month or other period for which such statement is required by this section.

Sec. 5. That section 49-1490, Revised Statutes Supplement, 1992, be amended to read as follows:

49-1490. (1) A principal, lobbyist, or anyone acting on behalf of either shall not give a gift to any official or member of any official's staff in the executive or legislative branch of state government or any member of an official's immediate family. Any person who knowingly gives a gift in violation of this subsection shall be guilty of a Class III misdemeanor.

(2) An official or any other person on his or her behalf in the legislative or executive branch of state government or a member of such official's staff or immediate family shall not solicit or accept a gift in violation of subsection (1) of this section. Any person who knowingly solicits or accepts a gift in violation of this subsection shall be guilty of a Class III misdemeanor.

(3) As used in sections 49-1480 to 49-1492, gift shall mean a payment, subscription, advance, forbearance, or honorarium or the rendering or deposit of money, services, or anything of value, the value of which exceeds ~~fifty~~ twenty-five dollars in any one-month period, unless consideration of equal or greater value is received therefor. Gift shall not include:

(a) A campaign contribution otherwise reported as required by law;

(b) A commercially reasonable loan made in the ordinary course of business;

(c) A gift received from a member of the person's immediate family, a relative, or the spouse of any such relative;

(d) A breakfast, luncheon, dinner, or other refreshments consisting of food and beverage provided for immediate consumption;

(e) Admissions to state-regulated industries, facilities, or events; or

(f) The occasional provision of transportation within the State of Nebraska to an ~~officeholder~~ official or member of an official's staff in the executive or legislative branch of state government.

Sec. 6. The Executive Board of the Legislative Council shall develop procedures to guide and govern the ethical considerations of members of the Legislature. Such procedures shall supplement the provisions of the Nebraska Political Accountability and Disclosure Act, and shall be designed to provide members additional assistance in responding to ethical considerations.

Sec. 7. That original sections 49-1401, 49-1483, and 49-1490, Revised Statutes Supplement, 1992, and section 49-1469, Revised Statutes Supplement, 1993, are repealed.".

2. On page 1, strike beginning with the second "to" in line 4 through line 10 and insert "by lobbyists, principals, or their agents to campaign funds of certain executive branch officials and members of the Legislature or candidates for such offices during certain periods as prescribed; to provide a penalty; to change provisions relating to contents of lobbyists' and principals' statements; to change provisions relating to gifts as prescribed; to provide a duty for the Executive Board of the Legislative Council; and to repeal the original sections.".

LEGISLATIVE BILL 944A. Placed on Select File.

(Signed) Janis M. McKenzie, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 504. Introduced by McKenzie, 34.

WHEREAS, the second annual Central Nebraska D.A.R.E. Day will be held April 16, 1994, near Hastings, Nebraska; and

WHEREAS, the purpose of the Central Nebraska D.A.R.E. Day is to promote a drug-free Nebraska by providing positive role models for students combined with a field trip; and

WHEREAS, last year over two thousand students from forty-five schools participated and this year about four thousand students are expected to participate; and

WHEREAS, it is important to show children how important it is to stay off drugs and how drugs have a negative impact on children's futures.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes the importance of the Central Nebraska D.A.R.E. Day and commends the hard work of all of its sponsors.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Ms. Schimek asked unanimous consent to print the following amendment to LB 944 in the Journal. No objections. So ordered.

AM4352

1. On page 5, line 17, after the period insert:
"Nothing in this section shall apply to political parties or political party committees.".

SELECT FILE

LEGISLATIVE BILL 1224. The Crosby pending amendment, AM4397, found in this day's Journal, was renewed.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

MR. DIERKS PRESIDING

Mrs. Rasmussen moved the previous question. The question is, "Shall the debate now close?"

Mrs. Rasmussen moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

Mrs. Crosby requested a record vote on her amendment.

Voting in the affirmative, 12:

Bernard-Stevens	Crosby	Hudkins	Preister	Wickersham
Chambers	Dierks	Landis	Schimek	Will
	Hartnett	Pedersen		

Voting in the negative, 22:

Bohlke	Day	Kristensen	Rasmussen	Vrtiska
Bromm	Elmer	Matzke	Robinson	Warner
Byars	Engel	Monen	Schellpeper	Wehrbein
Coordsen	Fisher	Moore	Schmitt	Wesely
Cudaback	Jones			

Present and not voting, 5:

Hall	Janssen	Lynch	McKenzie	Withem

Excused and not voting, 10:

Abboud	Avery	Haberman	Lindsay	Robak
Ashford	Beutler	Hillman	Pirsch	Witek

The Crosby amendment lost with 12 ayes, 22 nays, 5 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Wesely, Mmes. Rasmussen, and Bohlke offered the following amendment:
AM4481

(Amendments to E & R amendments, AM5732)

1. On page 2, line 2, after "5" insert "and 12".

2. On page 3, line 17, strike "and" and insert an underscored comma; and in line 18 before the period insert ", and (3) study the availability of jobs in each area of the state, identify the number of jobs available, the type of jobs available, and the pay and benefits associated with the available jobs".

3. On page 7, line 13, after the period insert:

"Before the approved waiver is submitted to the Legislature for approval, the department shall also submit to the Legislature specific and detailed guidelines and standards which it will utilize to carry out the purposes of the act concerning the following areas:

(a) What items will comprise the self-sufficiency contract for purposes of section 19 of this act;

(b) What standards will be used to determine whether the recipient is complying with the terms of the self-sufficiency contract for purposes of subdivision (3)(b) of section 23 of this act;

(c) The definition of job for purposes of subdivision (1)(e) of section 24 of this act;

(d) What will be considered extreme hardship for purposes of subdivision (1)(e) of section 24 of this act;

(e) What will be considered the state not carrying out its responsibility under the self-sufficiency contract for purposes of subdivision (1)(a) of section 24 of this act;

(f) Analysis of mediation or contract dispute resolution, including an independent process that could be utilized by the department, who will provide such services, and what standards will be utilized for mediation or contract dispute resolution;

(g) The elements which will be used in the assessment under section 18 of this act;

(h) What benchmarks and standards will be used to analyze family outcomes related to economic self-sufficiency as required by section 16 of this act;

(i) What elements will be considered in determining whether an adult fails to cooperate in carrying out the terms of the contract for purposes of subsection (2) of section 23 of this act; and

(j) Jobs availability information reflecting the report from the Governor's Roundtable. Such information shall include the location of available jobs, the type of jobs available, and the levels of pay and benefits."; and add paragraphing before "At"; and in line 17 after the period

insert "Such review shall include an evaluation of the impact of subdivisions (2)(b) and (c) of section 24 of this act.".

4. On page 8, line 1, after the period insert "It is the intent of the Legislature that transitional health care coverage be made available on a sliding-scale basis to individuals and families with incomes up to one hundred eighty-five percent of the federal poverty level if other health care coverage is not available."; and in line 18 after the period insert "The evaluation shall include opportunities for meaningful recipient input.".

5. On page 9, line 11, after the period insert "The department shall not implement any waiver or waivers approved under this section unless the provisions of the waiver or waivers as approved by the federal agency or agencies have been presented to and approved by the Legislature.".

6. On page 13, line 13, after "of" insert "no more than".

7. On page 16, line 5, after the period insert "It is the intent of the Legislature that an independent mediation appeal process be developed as an option to be considered."; in line 19 strike "After receiving" and insert "When no longer eligible to receive"; and in line 26 after "months" insert ". It is the intent of the Legislature that transitional health care coverage be made available on a sliding-scale basis to individuals and families with incomes up to one hundred eighty-five percent of the federal poverty level if other health care coverage is not available.".

8. On page 17, line 8, after the period insert "It is the intent of the Legislature that available job shall mean a job which results in an income of at least equal to the amount of cash assistance that would have been available if receiving assistance minus unearned income available to the recipient family.".

9. On page 20, line 8, after "work" insert ". This amount of income disregard shall not apply when determining the income disregard pursuant to subsection (5) of this section"; in line 25 strike "current" and after "standards" insert "as they exist on January 1, 1995,"; in line 27 after the period insert "The department shall determine the amount of income disregard which may apply to any earned income under this subsection.".

10. On page 21, line 4, strike "the".

11. On page 30, lines 18 and 19, strike "persons with mental retardation" and insert "the mentally retarded".

12. On page 49, line 16, after "child" insert ", spousal,".

13. On page 68, lines 24 and 25, strike "section" and insert "subsection".

14. On page 69, line 23, after "If" insert "after

an order is issued in" and strike "becomes a case" and insert "the case becomes one"; and in line 27 after "as" insert "otherwise".

15. On page 71, line 15, strike "is" through "are" and insert "subsequently becomes one in which services are being".

16. On page 85, line 23, after "and" insert "the case subsequently becomes one in which"; and in line 25 after "withheld" insert "for child support obligations".

17. Insert the following new sections:

"Sec. 87. That section 81-8,244, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,244. The Public Counsel may select, appoint, and compensate as he ~~may see~~ or she sees fit, within the amount available by appropriation, such assistants and employees as he ~~may deem~~ or she deems necessary to discharge ~~his~~ the responsibilities under sections 81-8,240 to 81-8,254. He or she shall appoint and designate ~~one of his assistants~~ one assistant to be a deputy public counsel, ~~and another~~ one assistant to be a deputy public counsel for corrections, and one assistant to be a deputy public counsel for welfare services.

Such ~~Both such~~ deputy public counsels shall be subject to the control and supervision of the Public Counsel.

The authority of the deputy public counsel for corrections shall extend to all facilities and parts of facilities, offices, houses of confinement, and institutions which are operated by the Department of Correctional Services.

The authority of the deputy public counsel for welfare services shall extend to all complaints pertaining to administrative acts of administrative agencies when those acts are concerned with the rights and interests of individuals involved in the welfare services system of the State of Nebraska.

The Public Counsel may delegate to members of ~~his~~ the staff any ~~of his~~ authority or duty under sections 81-8,240 to 81-8,254 except the power of delegation and the duty of formally making recommendations to administrative agencies or reports to the Governor or the Legislature.

Sec. 89. There is hereby appropriated (1) $99,390 from the Department of Health Cash Fund for FY1994-95 and (2) $18,559 from the Department of Health Cash Fund for FY1995-96 to the Department of Health, for Program 177, to aid in carrying out the provisions of this legislative bill.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $7,562 for FY1994-95 or $7,826 for FY1995-96.

Sec. 90. There is hereby appropriated (1) $155,508 from the General Fund and $233,604 from federal funds for

FY1994-95 and (2) $1,128,905 from the General Fund and $1,225,698 from federal funds for FY1995-96 to the Department of Social Services, for Program 341, to aid in carrying out the provisions of this legislative bill.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $74,693 for FY1994-95 or $1,057,770 for FY1995-96.

Sec. 91. There is hereby appropriated $181,600 from the General Fund and $273,400 from federal funds for FY1995-96 to the Department of Social Services, for Program 347, to aid in carrying out the provisions of this legislative bill.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 92. It is the intent of the Legislature that the appropriation to the Department of Social Services, for Program 348, shall be reduced by $325,528 General Funds and $508,422 federal funds in FY1995-96.

Sec. 93. There is hereby appropriated $43,250 from the General Fund for FY1994-95 and $40,825 from the General Fund for FY1995-96 to the Legislative Council, for Program 504, to aid in carrying out the provisions of this legislative bill.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $35,000 for FY1994-95 or $35,000 for FY1995-96.".

18. Amend the operative date and repealer sections so that sections 45, 64, 66 to 69, and 81 become operative on July 1, 1994, and sections 87 and 89 to 93 added by this amendment become operative three calendar months after adjournment sine die of this legislative session.

19. Renumber the remaining sections and correct internal references accordingly.

SPEAKER WITHEM PRESIDING

Messrs. Schellpeper, Landis, and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Rasmussen offered the following amendment to the Wesely et al. pending amendment:

FA545

Amend AM4481 -

on page 2 line 22 after period insert

(k) what transitional health coverage shall consist of, who it will include, and what the sliding fee schedule shall consist of.

(l) description of child care subsidy sliding fee scale.

Mrs. Rasmussen moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Rasmussen amendment was adopted with 26 ayes, 1 nay, 11 present and not voting, and 11 excused and not voting.

Mrs. Rasmussen offered the following amendment to the Wesely et al. pending amendment:
FA546
Add to AM4481
For purpose of AM4481 and AM5732 "approved by the Legislature" shall mean the introduction, consideration, and enactment of legislation."

The Rasmussen amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Messrs. Landis, Bernard-Stevens, and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to the Wesely et al. pending amendment:
FA547
Amend AM4481 Add new section:
P. 18, line 8, after "school.", insert: "No reduction of assistance shall be such as may result in extreme hardship."

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the Wesely et al. pending amendment:
FA548
Amend AM4481 Add new section
Page 5 (AM5732), line 26
Page 6, line 5, strike "values"

The Chambers amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Chambers offered the following amendment to the Wesely et al. pending amendment:
FA549
Amend AM4481
P. 1, after line 19, insert "A definition of self-sufficiency"

Messrs. Moore and Robinson asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Wesely offered the following amendment to the Wesely et al. pending amendment:
FA550
Strike on pg 6, line 3 thru line 13 on pg 7 of AM4481

The Wesely amendment was adopted with 26 ayes, 1 nay, 12 present and not voting, and 10 excused and not voting.

Mr. Wesely offered the following amendment to the Wesely et al. pending amendment:
FA551
Amend AM4481
On pg 4, strike lines 13 & 14.

The Wesely amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Chambers offered the following amendment to the Wesely et al. pending amendment:
FA552
Amend AM4481
P. 15, line 3, put a period after "months" and strike remaining language.

PRESIDENT ROBAK PRESIDING

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The Chambers amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

The Wesely et al. amendment, as amended, was adopted with 27 ayes, 2 nays, 14 present and not voting, and 6 excused and not voting.

Pending.

UNANIMOUS CONSENT - Member Excused

Mr. Matzke asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Wickersham asked unanimous consent to print the following amendment to LB 833 in the Journal. No objections. So ordered.

AM4470

(Amendments to AM3773)

1. Strike sections 7, 33, and 58 and insert the following new sections:

"Sec. 55. The Public Employees Retirement Board shall develop a mechanism for identifying and monitoring members whose annual benefits or annual additions may exceed the 415 limitations contained in sections 6, 17, 31, 43, and 50 of this act. Such mechanism may include, but shall not be limited to, the review of a member's wages and a member's contributions to a plan established pursuant to sections 125, 401(k), 403(b), and 457 of the Internal Revenue Code of 1986, as amended. The board shall adopt and promulgate rules and regulations to carry out this section. In accordance with such rules and regulations, each county, school district, or appropriate state agency shall submit to the board annual information on member wages and contributions.

Sec. 57. Sections 4 to 6, 16, 17, 22, 28, 30, 31, 41 to 43, 48 to 50, and 58 shall become operative on January 1, 1996. The other sections of this act shall become operative on their effective date.

Sec. 58. That original sections 23-2310, 24-710, 79-1501, and 84-1311, Revised Statutes Supplement, 1992, and section 81-2026, Revised Statutes Supplement, 1993, and also section 79-1522.03, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 59. That original sections 23-2309, 23-2309.01, 23-2311, 23-2315, 23-2318, 23-2323, 23-2331, 24-702, 24-705 to 24-708, 24-710.02, 24-712, 48-155.01,

84-1320, and 84-1325, Reissue Revised Statutes of Nebraska, 1943, sections 24-701, 24-703, 24-704, 24-714, 79-1528, 79-1531, 81-2014, 81-2015, 81-2017 to 81-2019, 81-2021, 81-2031, 81-2032, 84-1310, 84-1310.01, 84-1331, and 84-1503, Revised Statutes Supplement, 1992, and sections 23-2301, 24-710.03, 79-1501.01, and 81-2025, Revised Statutes Supplement, 1993, and also section 84-1312, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 60. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 8, line 22, strike "plan" and insert "limitation".

3. On page 13, line 17; page 37, line 12; page 62, line 26; page 87, line 6; and page 98, line 26, after "Service" insert "pursuant to a published notice, rule, or regulation".

4. On page 31, line 22; page 32, lines 11 and 19; page 57, lines 9 and 25; page 58, line 6; page 81, line 6; and page 82, lines 5 and 13, after "Treasury" insert "of the United States".

5. On page 66, line 22, strike "1971" and insert "1983"; and in line 24 strike "twenty-five" and insert "seventy-five" and strike "seventy-five" and insert "twenty-five".

6. On page 79, line 14, strike "and section 49 of this act"; and in line 21 after "member's" insert "415".

7. On page 81, line 12, strike the underscored period and insert an underscored semicolon; in line 19 strike "pension"; and in line 24 strike "treasury" and insert "Treasury of the United States".

8. On page 96, line 17, strike "1986" and insert "1987"; and in line 25 strike "lessor" and insert "lesser".

9. Renumber the remaining sections and correct internal references accordingly.

Mr. Dierks asked unanimous consent to print the following amendment to LB 833 in the Journal. No objections. So ordered.

AM3885

(Amendments to AM3773)

1. Insert the following new section:

"Sec. 34. Under such rules and regulations as the board may adopt and promulgate, any person who was employed by a public school prior to reaching the age of twenty-one years and who became a member of the retirement system upon reaching the age of twenty-one years may elect to receive credit for the years of service prior to his or her twenty-first birthday if such school employee, within three years of the effective

date of this act, pays into the retirement system an amount equal to the required deposits he or she would have paid had he or she joined the retirement system plus interest which would have accrued on the amount. This section shall not apply to school employees who retire prior to the effective date of this act.".

2. On page 54, line 22, strike "33" and insert "34".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 944 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM4401.)

Mr. Schellpeper asked unanimous consent to print the following amendment to LB 1354 in the Journal. No objections. So ordered.

AM4485

(Amendments to E & R amendments, AM5738)

1. Strike sections 1 and 3 to 5 and insert the following new section:

"Section 1. That section 2-1207.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1207.01. The amount deducted from wagers pursuant to subsection (2) of section 2-1207 may be used to promote agriculture and horsebreeding in Nebraska and shall be distributed as purse supplements and breeder and stallion awards for Nebraska-bred horses, as defined and registered pursuant to section 2-1213, at the racetrack where the funds were generated. Any costs incurred by the State Racing Commission pursuant to this section and subsection (2) of section 2-1207 ~~and this section~~ shall be separately accounted for and be deducted from such funds.".

2. On page 3, lines 25 and 26, strike "operative date of this section" and insert "effective date of this act".

3. On page 6, line 3, strike "section" and insert "sections 2-1207.01 and".

4. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 1224. Mr. Beutler withdrew his amendment, AM3909, found in the Journal on page 1319.

Messrs. Dierks and Chambers asked unanimous consent to replace their pending amendment, AM3954, found in the Journal on page 1369, with a substitute amendment. No objections. So ordered.

Messrs. Dierks and Chambers withdrew their amendment, AM3954, found in the Journal on page 1369.

Mr. Dierks offered the following substitute amendment:
FA553

Amend AM5732 as follows:

1. On page 15, line 3, strike beginning with "or" in line 3 through "assistance" in line 4.

2. On page 17, strike beginning with the period in line 22 through "payment" in line 24 and insert, "and shall censure incremental benefit increases thereupon"

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Dierks amendment lost with 11 ayes, 17 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Kristensen withdrew his amendment, AM3993, found in the Journal on page 1421.

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bernard-Stevens renewed his pending amendment, AM3879, found in the Journal on page 1768.

Mr. Bernard-Stevens withdrew his amendment.

Mr. Will offered the following amendment:
AM4203

1. Insert the following new sections:

"Sec. 82. That section 68-104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-104. The Department of Social Services shall be the overseer of the poor and shall be vested with the entire and exclusive superintendence of the poor in this state, except that, subject to the limitations of section 68-1022, the county board of each county shall furnish such medical service as may be required for the poor of the county who are not eligible for other medical assistance programs and general assistance for the poor of the county. Any person who is or becomes ineligible for other medical programs or general assistance due to his or her own actions or inactions or due to the termination of a benefits period shall also be ineligible for medical services from the county.

The county board of each county shall administer

~~such~~ the medical assistance provided pursuant to this section. A county board may enter into an agreement with the Department of Social Services which allows the department to aid in the administration of ~~such~~ the medical assistance program. In providing medical and hospital care for the poor, the county board shall make use of any existing facilities, including tax-supported hospitals and charitable clinics so far as the same may be available; and shall use the financial eligibility criteria established for the standard of need developed by the county pursuant to section 68-126.

Sec. 83. That section 68-131, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-131. When any poor person ~~shall~~ does not have a spouse, parent, or stepparent supporting him or her or is not eligible for other general assistance programs, then the poor person shall receive such relief, referred to as general assistance for purposes of sections 68-131 to 68-148, out of the treasury of the county in which he or she has legal settlement at the time of applying for assistance, in the manner provided in sections 68-131 to 68-148. Any person who is or becomes ineligible for other general assistance programs due to his or her own actions or inactions or due to the termination of a benefits period shall also be ineligible for general assistance from the county.".

2. On page 82, line 27, strike "and 43-1414" and insert "43-1414, 68-104, and 68-131".

3. Renumber the remaining sections and correct internal references accordingly.

Messrs. Haberman, Landis, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Will withdrew his amendment.

Mr. Coordsen offered the following amendment:
AM4488

(Amendments to E & R amendments, AM5732)

1. On page 79, line 24, reinstate the stricken matter.

2. On page 81, lines 1 through 3, strike the new matter; in line 3 after the period insert the following new paragraph:

"No group policy of sickness and accident insurance shall contain any provisions which are in conflict with sections 72 to 78 of this act."; in line 18 after "shall" insert "not"; and in line 19 strike "make it comply" and insert "are in conflict".

The Coordsen amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment:
FA554

Amend AM5732 as follows:

On line 10, page 15 strike all language after "(iii)" and strike all of line 11, page 15, and replace the stricken language with the following language:

"if the minor parent is not regularly pursuing a high school diploma or a General Education Development diploma, when the minor parent reaches 17 years of age."

Mr. Beutler moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Abboud	Bromm	Matzke	Pirsch	Wesely
Ashford	Day	Monen	Rasmussen	Wickersham
Avery	Fisher	Pedersen	Schmitt	Will
Beutler	Hillman			

Voting in the negative, 8:

Chambers	Hall	Lynch	Warner	Wehrbein
Crosby	Kristensen	Schellpeper		

Present and not voting, 17:

Bohlke	Elmer	Janssen	McKenzie	Schimek
Byars	Engel	Jones	Preister	Vrtiska
Coordsen	Hartnett	Lindsay	Robinson	Withem
Dierks	Hudkins			

Absent and not voting, 1:

Witek

Excused and not voting, 6:

Bernard-Stevens	Cudaback	Landis	Moore	Robak
	Haberman			

The Beutler amendment lost with 17 ayes, 8 nays, 17 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

SPEAKER WITHEM PRESIDING

Mr. Lindsay asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA555
P. 9, lines 24 & 25, strike "friends, neighbors"

The Chambers amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mrs. Crosby offered the following amendment:
FA556

(Amendments to E & R amendments, AM5732)

1. On page 17, line 8, strike the period and insert "or when the available job does not provide wages and benefits for the recipient family equal to or greater than one hundred thirty-three percent of the federal poverty level. If the recipient accepts the available job which does not provide such wages and benefits, the state shall provide an appropriate combination of health care, child care, and cash assistance to bring the wage and benefit level of the recipient family at least to one hundred thirty-three percent of the federal poverty level.".

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Crosby moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mrs. Crosby requested a roll call vote on her amendment.

Mr. Wesely requested the roll call vote be taken in reverse order.

Voting in the affirmative, 14:

Avery	Crosby	Hartnett	Lynch	Preister
Chambers	Dierks	Hudkins	McKenzie	Will
Coordsen	Engel	Lindsay	Pedersen	

Voting in the negative, 22:

Abboud	Day	Jones	Pirsch	Wesely
Ashford	Elmer	Kristensen	Rasmussen	Wickersham
Beutler	Fisher	Matzke	Schmitt	Witek
Bromm	Hall	Monen	Warner	Withem
Byars	Hillman			

Present and not voting, 9:

Bernard-Stevens	Janssen	Robak	Schellpeper	Vrtiska
	Moore	Robinson	Schimek	Wehrbein

Excused and not voting, 4:

Bohlke	Cudaback	Haberman	Landis

The Crosby amendment lost with 14 ayes, 22 nays, 9 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 505. Introduced by Robinson, 16; Bromm, 23.

WHEREAS, A.L. Zink had a fifty-year career in the newspaper business and published the Burt County Plaindealer for twenty-five years; and

WHEREAS, A.L. Zink was very active in promoting economic development in the Tekamah area and helped to bring many new businesses to Tekamah; and

WHEREAS, A.L. Zink served as mayor of Tekamah and was always involved in activities and promotions aimed at making his community a better place to live; and

WHEREAS, A.L. Zink passed away on March 30, 1994; and

WHEREAS, A.L. Zink's contributions to Tekamah, Burt County, and the State of Nebraska will be sorely missed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its sympathy to the family of A.L. Zink of Tekamah.
2. That a copy of this resolution be sent to the Zink family.

Laid over.

PROPOSED RULES CHANGES

Mr. Will asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Amend Rule 7, Section 10, as follows:

Sec. 10. Cloture. At any stage of consideration the principal introducer of the bill under consideration, a cointroducer with the consent of the principal introducer, or the chairperson of the committee, if the bill is introduced by that committee, may move for a cloture to the presiding officer after eight hours of debate on the bill at that stage of consideration, except that the appropriation bills introduced by the Appropriations Committee shall be subject to a cloture motion after twelve hours of debate at that stage of consideration. The presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. A vote on the pending amendment shall be taken immediately. If the pending matter is an amendment to an amendment, following a vote on the amendment to the amendment, a vote shall then be taken on the official amendment. If the original amendment has been divided, then the vote shall be on only the divided portion of the amendment being considered.

Referred to the Rules Committee.

Mr. Will asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Amend Rule 7, Section 10, as follows:

Sec. 10. Cloture. At any stage of consideration the principal introducer of the bill under consideration, a cointroducer with the consent of the principal introducer, or the chairperson of the committee, if the bill is introduced by that committee, may move for a cloture to the presiding officer after eight hours of debate on the bill at that stage of consideration, except that the appropriation bills introduced by the Appropriations Committee shall be subject to a cloture motion after twelve hours of debate at that stage of consideration. The presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. A vote on the pending amendment shall be taken immediately. If the pending matter is an amendment to an amendment, following a vote on the amendment to the amendment, a vote shall then be taken on the official amendment. If the original amendment has been divided, then the vote shall be taken on the original amendment in its entirety.

Referred to the Rules Committee.

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 944 in the Journal. No objections. So ordered.

AM4408

(Amendments to E & R amendments, AM5742)

1. On page 5, lines 9 and 23, after the period insert "No candidate for Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, or the Legislature shall solicit or accept such contributions during the regular or special legislative session and, in the case of the Governor or a gubernatorial candidate, during the five days allowed for the signing of bills following the adjournment of a regular or special legislative session."; and in line 23 after "gives" insert ", solicits, or accepts".

Mrs. Robak asked unanimous consent to print the following amendment to LR 293CA in the Journal. No objections. So ordered.

AM4496

1. On page 2, line 22, after the first period insert the following new subsection:

"(5) In addition to other permitted gaming activity, the Legislature may authorize (a) organizations which are actively conducting parimutuel wagering on thoroughbred horseraces within the confines of the premises where such horseraces are actually conducted, (b) nonprofit or charitable organizations otherwise authorized to conduct other gaming activity, and (c) counties, cities, and villages to conduct lotteries utilizing player interactive audio or video technology, the proceeds of which are to be used solely for charitable purposes, community betterment, civic activities, tax relief, or promotion of agriculture and animal husbandry and may apportion such authority among such organizations and among such counties, cities, and villages. The Legislature is authorized to reasonably tax and regulate such gaming activity which may be conducted only by licensees authorized to conduct thoroughbred horseracing or to operate lottery activity on behalf of counties, cities, and villages and only on such premises where such licensees are authorized to conduct such horseracing or operate such lottery activity.".

2. On page 3, line 2, before the period insert "and to allow the Legislature to authorize certain lotteries for charitable or community betterment purposes, for tax relief, or for the promotion of agriculture and animal husbandry on otherwise licensed premises".

Mr. Warner asked unanimous consent to print the following amendment to LB 902 in the Journal. No objections. So ordered.

AM4489

(Amendments to Final Reading copy)

1. On page 29, strike beginning with "whose" in line 3 through line 5 and insert "the percentage of the exempt amount for which the claimant is eligible shall be the percentage in Column B which corresponds with the claimant's household income in Column A in the table found in this subsection.

Column A Household Income In Dollars	Column B Percentage Of Relief
0 through 15,000	100
15,001 through 16,000	80
16,001 through 17,000	60
17,001 through 18,000	40
18,001 through 19,000	20".

2. On page 37, line 18, before "42" insert "39,"; and in line 26 strike "and 77-3510" and insert "77-3510, and 77-3514".

3. On page 38, line 6, strike "77-3513, and 77-3514" and insert "and 77-3513".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 906, 1044, and 1292.

Enrollment and Review Change to LB 906

The following changes, required to be reported for publication in the Journal, have been made:

ER7470

1. In the Hudkins amendment, AM3989, on page 1, line 24, "or jury" has been struck and "is a Class IV felony. Jury" inserted.

2. On page 1, line 2, after the semicolon "to provide for tampering with a witness or informant in civil actions;" has been inserted.

Enrollment and Review Change to LB 1044

The following changes, required to be reported for publication in the Journal, have been made:

ER7479

1. On page 1, line 5, "to harmonize provisions;" has been struck.

Enrollment and Review Change to LB 1292

The following changes, required to be reported for publication in the Journal, have been made:
ER7472

1. In the E & R amendment, AM5705, on page 1, line 4, "and section 53-101" has been struck and "sections 53-123.14, 53-124.11, 53-124.12, and 53-164.01, Revised Statutes Supplement, 1992, and sections 53-101, 53-125, and 53-129" inserted; and in line 6 "to change provisions relating to brewpub licenses; to change eligibility provisions for liquor licensees; to change provisions relating to a report;" has been inserted after the semicolon.

(Signed) Janis M. McKenzie, Chairperson

SELECT FILE

LEGISLATIVE BILL 1224. Mr. Hall offered the following amendment:
FA557

Amend AM5732
On p. 16, line 27, strike subsection (d) thru line 4, on p. 17.

Mr. Monen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall withdrew his amendment.

Mrs. Crosby offered the following amendment:
AM4307

(Amendments to E & R amendments, AM5732)

1. Strike sections 13 to 26 and insert the following new section:

"Sec. 10. The Legislature finds and declares that while the welfare system must be reformed to more adequately support, stabilize, and enhance individual and family life in Nebraska, it is necessary to determine the potential impact of certain proposed eligibility rules and public assistance changes to the welfare system on recipient children, recipient families, state agencies, counties, private social services providers, the foster care system, school districts, local communities, and other public and private organizations prior to the implementation of such reform. The Governor shall establish the Welfare Reform Act Impact Study Committee composed of representatives of the Department of Social Services, State Department of Education, Department on Aging, Department of Labor, Department of Public Institutions, Office of Probation Administration, Department of Correctional Services, Department of Economic Development, Department of

Health, Department of Revenue, the State Court Administrator, and the office of the Legislative Fiscal Analyst. The committee shall also include at least one representative from each of the following: County governments, the State Foster Care Review Board, school districts, and municipalities. The committee shall also include at least two private social services providers, two public assistance recipients or their advocates, and one noncustodial parent. The committee shall evaluate the potential impacts of proposed system changes including, but not limited to, a two-year limit on cash assistance, a two-year period of ineligibility, an exclusion of benefits for additional children born into a family receiving assistance, the reduction in cash assistance based upon minor children's school attendance, and the requirement that an adult cash assistance recipient participate in employment activities when the youngest child in a recipient family is below one year of age. The committee shall evaluate whether these changes would facilitate the policy goals as stated in section 9 of this act and the feasibility changes in eligibility requirements and in the terms of public assistance. The study shall include, but not be limited to, the fiscal impact on the State of Nebraska, county governments, and municipalities, the potential caseload increase on private social services providers, and the potential for any increased burden on and reliance upon the foster care system. On the basis of this analysis, the committee shall present recommendations, including any necessary implementing legislation, to the Governor and the Legislature not later than October 15, 1994.".

2. On page 94, line 24, after the second period insert "Sections 9 and 10 of this act shall become operative on their effective date.".

3. Renumber the remaining sections and correct internal references accordingly.

Mrs. Crosby requested a roll call vote on her amendment.

Voting in the affirmative, 12:

Chambers	Engel	Hudkins	Lynch	Preister
Crosby	Fisher	Landis	Pedersen	Schimek
Dierks	Hartnett			

Voting in the negative, 27:

Ashford	Beutler	Coordsen	Hall	Kristensen
Avery	Bohlke	Cudaback	Hillman	Pirsch
Bernard-Stevens	Bromm	Day	Janssen	Rasmussen
	Byars	Elmer	Jones	Robinson

Schellpeper	Warner	Wickersham	Witek	Withem
Schmitt	Wesely	Will		

Present and not voting, 8:

Abboud	Lindsay	Moore	Vrtiska	Wehrbein
Haberman	Matzke	Robak		

Excused and not voting, 2:

McKenzie Monen

The Crosby amendment lost with 12 ayes, 27 nays, 8 present and not voting, and 2 excused and not voting.

PRESIDENT ROBAK PRESIDING

Mr. Lindsay asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 35:

Abboud	Byars	Haberman	Moore	Vrtiska
Ashford	Coordsen	Hillman	Pirsch	Warner
Avery	Cudaback	Hudkins	Rasmussen	Wehrbein
Bernard-Stevens	Day	Janssen	Robak	Wesely
	Elmer	Jones	Robinson	Wickersham
Beutler	Engel	Kristensen	Schellpeper	Witek
Bohlke	Fisher	Matzke	Schmitt	Withem
Bromm				

Voting in the negative, 5:

Chambers	Crosby	Hartnett	Landis	Schimek

Present and not voting, 6:

Dierks	Lynch	Pedersen	Preister	Will
Hall				

Excused and not voting, 3:

Lindsay McKenzie Monen

Advanced to E & R for engrossment with 35 ayes, 5 nays, 6 present and not voting, and 3 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1224A. E & R amendment, AM5734, found in the Journal on page 1749, was adopted.

Mr. Wesely offered the following amendment:
AM4477

1. Insert the following new section:

"Sec. 5. There is hereby appropriated $43,250 from the General Fund for FY1994-95 and $40,825 from the General Fund for FY1995-96 to the Legislative Council, for Program 504, to aid in carrying out the provisions of Legislative Bill 1224, Ninety-third Legislature, Second Session, 1994.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $35,000 for FY1994-95 or $35,000 for FY1995-96.".

2. In the Wesely amendment, AM4162, on page 2, line 7, strike "The" and insert "It is the intent of the Legislature that the".

3. Strike the E & R amendment, AM5734.

The Wesely amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 833A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 886A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1207A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1210A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Wickersham asked unanimous consent to print the following amendment to LB 902A in the Journal. No objections. So ordered.

AM4508

1. Insert the following new section:

"Sec. 2. There is hereby appropriated (1) $26,369 from the General Fund for FY1994-95 and (2) $6,830 from the General Fund for FY1995-96 to the Department of Revenue, for Program 102, to aid in carrying out the provisions of Legislative Bill 902, Ninety-third Legislature, Second Session, 1994.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

2. Renumber the remaining section accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 506. Introduced by Preister, 5.

WHEREAS, the week commencing June 6, 1994, has been designated by the National Management Association as "Management Week"; and

WHEREAS, the National Management Association is an organization committed to the promotion of the free enterprise system, management as a distinct profession, and the certification of managers; and

WHEREAS, the management profession has significantly contributed to the strength and vitality of this country's economy, and in the future such skills will be particularly essential as we strive to strengthen the economy of the State of Nebraska; and

WHEREAS, there are two chapters of the National Management Association comprised of employees of the State of Nebraska; and

WHEREAS, the original chapter, the Nebraska State Government Chapter of the National Management Association, was chartered in 1984 with one hundred members and now has three hundred ten members representing forty-six state agencies, including the Legislative Council; and

WHEREAS, the Omaha State Government Chapter of the National Management Association was chartered in 1989 and now has fifty-six members representing five state agencies; and

WHEREAS, the Nebraska State Government Chapter and the Omaha State Government Chapter of the National Management Association

will join with the Lincoln Human Resource Management Association, a chapter of the Society of Human Resource Management Associations, which was chartered in 1953 and now has two hundred twenty-five members, and with other private and public sector managers nationwide, to honor the role and achievements of managers in our society during "Management Week".

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature hereby declares the week commencing June 6, 1994, as "Management Week" in Nebraska and calls upon the citizenry to recognize and participate in the observance of this worthy occasion.

2. That copies of this resolution be sent to Robert J. Lundberg, President of the Nebraska State Government Chapter of the National Management Association, Dennis L. Donovan, President of the Omaha State Government Chapter of the National Management Association, and Elton Edmond, President of the Southeast Nebraska Community Chapter in Beatrice.

Laid over.

SELECT FILE

LEGISLATIVE BILL 1087. The Chambers pending motion, found in the Journal on page 1842, to reconsider the Ashford amendment, AM4351, was renewed.

MR. MOORE PRESIDING

Mr. Pedersen moved the previous question. The question is, "Shall the debate now close?" The motion lost with 9 ayes, 11 nays, and 29 not voting.

PRESIDENT ROBAK PRESIDING

Mr. Landis moved the previous question. The question is, "Shall the debate now close?"

Mr. Ashford moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

The Chair declared the call raised.

Mr. Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Ashford requested a roll call vote on the Chambers motion to reconsider the Ashford amendment, AM4351.

Voting in the affirmative, 23:

Chambers	Fisher	Kristensen	Schellpeper	Warner
Coordsen	Haberman	Lindsay	Schimek	Wehrbein
Crosby	Hall	McKenzie	Schmitt	Wesely
Dierks	Hudkins	Preister	Vrtiska	Wickersham
Elmer	Jones	Robak		

Voting in the negative, 21:

Abboud	Bohlke	Engel	Moore	Robinson
Ashford	Bromm	Hartnett	Pedersen	Will
Avery	Byars	Landis	Pirsch	Witek
Bernard-Stevens	Cudaback	Monen	Rasmussen	Withem
	Day			

Present and not voting, 5:

Beutler	Hillman	Janssen	Lynch	Matzke

The Chambers motion to reconsider the Ashford amendment lost with 23 ayes, 21 nays, and 5 present and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Robinson asked unanimous consent to print the following amendment to LB 1034 in the Journal. No objections. So ordered.

AM4516

(Amendments to Standing Committee amendments, AM3959)

1. Insert the following new section:

"Sec. 3. That section 81-1566.01, Revised Statutes Supplement, 1993, be amended to read as follows:

81-1566.01. Sections 81-1504.01, 81-1534, 81-1536, 81-1542, 81-1548.01, 81-1548.02, 81-1549, 81-1553, 81-1556 to 81-1559, 81-1560.01 to 81-1560.04, 81-1561, 81-1563, 81-1565, 81-1566.01, and 81-15,163 shall become operative on July 1, 1993. ~~Sections 81-15,160, 81-15,164, and 81-15,165 and the~~ The repeal of section 81-15,163 shall become operative on December 1, 1994, if the proceeds received prior to December 1, 1994, from the litter fee imposed by sections 81-1559 to

81-1560.02 for the period July 1, 1993, through June 30, 1994, are one million four hundred thousand dollars or more.".

2. On page 1, line 22, after "tires" insert "in any form"; and strike beginning with "unless" in line 22 through "feasible" in line 24.

3. On page 7, line 5, strike both occurrences of "site" and insert "facility"; and strike line 19, show the old matter as stricken, and insert "sections 81-15,159 to 81-15,165 and from loan repayments".

4. On page 17, line 4, strike "scrap"; and strike lines 19 through 21 and insert: "On or before June 30, 1999, the fees remitted under this section shall be remitted to the State Treasurer for credit to the Scrap Tire Reduction and Recycling Incentive Fund and after June 30, 1999, the fees remitted under this section shall be remitted to the State Treasurer for credit to the Waste Reduction and Recycling Incentive Fund.".

5. On page 18, lines 5 and 8 after "grant" insert "or loan allocation"; and in line 6 strike "loan" and insert "grant or loan allocation".

6. On page 20, lines 7 and 15, strike "land, buildings," and insert "buildings".

7. On page 21, line 22; and page 22, line 5, strike "section 81-15,162", show as stricken, and insert "sections 81-15,159 to 81-15,165".

8. On page 21, line 27 strike "such section" and insert "section 81-15,162".

9. Renumber the remaining sections and correct internal references accordingly.

Mr. Avery asked unanimous consent to print the following amendment to LB 1349 in the Journal. No objections. So ordered.

AM4510

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Sections 1 to 8 of this act shall be known and may be cited as the Remedial Action Plan Monitoring Act.

Sec. 2. For purposes of the Remedial Action Plan Monitoring Act, the following definitions shall apply:

(1) Land pollution shall mean the presence upon or within the land resources of the state of one or more contaminants or combinations of contaminants, including, but not limited to, refuse, garbage, rubbish, or junk, in such quantities and of such quality as will or are likely to (a) create a nuisance, (b) be harmful, detrimental, or injurious to public health, safety, or welfare, (c) be injurious to plant and animal life and property, or (d) be detrimental to

the economic and social development, the scenic beauty, or the enjoyment of the natural attractions of the state; and

(2) Water pollution shall mean the manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.

Sec. 3. There is hereby created the Remedial Action Plan Monitoring Fund which shall be administered by the Department of Environmental Quality. The fund shall be used by the department to:

(1) Receive funds voluntarily paid by public and private entities to finance department administration and oversight of remedial action plans for land pollution or water pollution;

(2) Provide funds for the department to offset expenses incurred in monitoring remedial action plans for land pollution or water pollution as voluntarily submitted by public and private entities; and

(3) Receive a one-time General Fund appropriation in an amount not to exceed one hundred thousand dollars for costs associated with the implementation of the Remedial Action Plan Monitoring Act.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 4. Any entity which voluntarily chooses to make application for monitoring of remedial action plans for land pollution or water pollution shall:

(1) Submit a remedial action plan on a form approved by the Department of Environmental Quality which conforms with procedures approved by the department;

(2) Provide the department with documentation regarding the land pollution or water pollution site, including, when appropriate, information indicating that the applicant holds or can acquire title to all lands or has the necessary easements and rights-of-way for the project and related lands;

(3) Provide a plan for the proposed project, including project monitoring reports, appropriate engineering, scientific, and financial feasibility data, and other data and information as may be required by the department;

(4) Provide a payment plan and schedule for the reimbursement of all department expenses related to monitoring the progress of the remedial action plan, including expenses to review and evaluate the proposed plan;

(5) Demonstrate that the remedial action plan conforms with federal Environmental Protection Agency standards. However, nothing in this subdivision shall be construed to require that the department make any determination that such plan conforms with such standards; and

(6) Provide the department with an application fee of five thousand dollars and a participation fee of five thousand dollars. The application fee shall be used by the department to offset the expenses referred to in subdivision (4) of this section. The participation fee shall be used by the department to reimburse the General Fund as such fund is impacted by activities conducted pursuant to the Remedial Action Plan Monitoring Act.

Sec. 5. Upon the receipt of a voluntary application for the monitoring of a remedial action plan for land pollution or water pollution pursuant to section 4 of this act, the Department of Environmental Quality shall evaluate and investigate all aspects of the proposed project, the proposed schedule for completion, and the proposed reimbursement schedule and shall determine if the remedial action plan is eligible for department monitoring. If the department determines that an application is unsatisfactory or does not contain adequate information, the department shall return the application to the applicant and may make recommendations to the applicant which the department considers necessary to make the plan, the reimbursement schedule, or the application satisfactory. If the department approves the application, the department shall execute an agreement with the applicant for department monitoring and payments by the applicant.

Sec. 6. If the provisions set forth in the Remedial Action Plan Monitoring Act are met and the applicant has remitted all applicable fees, the Department of Environmental Quality may issue to the applicant a letter stating that no further action need be taken at the site related to any contamination for which remedial action has been taken in accordance with the approved remedial action plan. Such letter shall provide that the department may require the person to conduct additional remedial action in the event that any monitoring conducted at or near the real property or other circumstances indicate that (1) contamination is reoccurring, (2) additional contamination is present which was not identified pursuant to section 4 or 5 of this act, or (3) additional contamination is present for which remedial action was not taken according to the remedial action plan.

Sec. 7. The Remedial Action Plan Monitoring Act shall not be construed as an acceptance of liability by the State of Nebraska for activities conducted pursuant to such sections. Entities proceeding under such sections shall indemnify and hold harmless the State of Nebraska for any further action required by the federal Environmental Protection Agency relating to land pollution or water pollution by an entity.

Sec. 8. The powers conferred by the Remedial Action

Plan Monitoring Act shall be independent of and in addition and supplemental to any other provisions of the laws of the State of Nebraska with reference to the matters covered hereby, and the act shall be considered as a complete and independent act and not as amendatory of or limited by any other provision of the laws of the State of Nebraska.

Sec. 9. That section 81-15,113.01, Revised Statutes Supplement, 1993, be amended to read as follows:

81-15,113.01. (1) There is hereby created the Community Improvements Cash Fund which shall be under the direction of the department. The Central Interstate Low-Level Radioactive Waste Compact Commission shall annually through ~~1993~~ 1994 remit to the department the funds received from the states belonging to the Central Interstate Low-Level Radioactive Waste Compact as compensation paid to the host state. When the facility begins operation, the developer shall levy, collect, and remit to the department a surcharge on the rates charged to the users of the facility which is sufficient to raise two million dollars per year together with any adjustments made by the department pursuant to this section. The department shall remit such surcharge to the State Treasurer who shall credit it to the Community Improvements Cash Fund. On October 1, 1990, and each October 1 thereafter, the department shall adjust the amount to be remitted by the developer by an amount equal to the percentage increase in the Consumer Price Index or, if publication of the Consumer Price Index is discontinued, a comparable index selected by the director. There is hereby appropriated three hundred thousand dollars from the Community Improvements Cash Fund for the period July 1, 1988, to June 30, 1989, to carry out the purposes of this section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

(2) The department shall distribute money from the fund as follows:

(a) Prior to final site selection, three hundred thousand dollars per year shall be allocated for public purposes to be divided among the communities that are under active consideration to host the facility as provided in subsection (3) of this section;

(b) After the final site has been selected and until the facility is operational, three hundred thousand dollars per year shall be allocated for public purposes as provided in subsection (3) of this section. Acceptance of the funds distributed pursuant to this subdivision or subdivision (a) of this subsection shall in no way affect the siting process; and

(c) Once the facility is operational and during the operational life of the facility, the total amount in the fund shall be allocated each year for public purposes as provided

in subsection (3) of this section.

(3) Money distributed pursuant to subdivisions (2)(a), (b), and (c) of this section shall be allocated as follows:

(a) Fifty percent of such money shall be distributed to incorporated municipalities which lie totally or partially within ten kilometers of the facility or the proposed facility based on the ratio of the population of the particular incorporated municipality to the total population of all such incorporated municipalities as determined by the latest federal census; and

(b) Fifty percent of such money shall be distributed to the county treasurer of the county where the facility is located or proposed to be located to be distributed to each political subdivision which levied property taxes on the property where the facility is located or proposed to be located. The money shall be distributed on the basis of the ratio of the total amount of taxes levied by each political subdivision to the total amount of property taxes levied by all such political subdivisions on such property based on the amounts stated in the most recent certificate of taxes levied submitted by each county to the Tax Commissioner pursuant to section 77-1613.01.

(4) The Natural Resources Committee of the Legislature shall conduct a study to establish a formula for the equitable distribution of the funds specified in subdivision (2)(c) of this section. The committee shall hold public hearings necessary to carry out the purposes of the study.

Sec. 10. Sections 1 to 8 of this act shall become operative on January 1, 1995. The other sections of this act shall become operative on their effective date.

Sec. 11. That original section 81-15,113.01, Revised Statutes Supplement, 1993, is repealed.

Sec. 12. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Avery asked unanimous consent to print the following amendment to LB 1349 in the Journal. No objections. So ordered.

AM4448

(Amendments to Standing Committee amendment, AM3609)

1. Insert the following new sections:

"Sec. 8. That section 66-1518, Revised Statutes Supplement, 1993, be amended to read as follows:

66-1518. (1) The Environmental Quality Council shall adopt and promulgate rules and regulations regarding the form and procedure for applications for payment or

reimbursement from the fund, procedures for investigation of claims for payment or reimbursement, procedures for determining the amount and type of costs that are eligible for payment or reimbursement from the fund, procedures for auditing persons who have received payments from the fund, and other provisions necessary to carry out the Petroleum Release Remedial Action Act.

(2) The department shall make available to the public a current schedule of reasonable rates for equipment, services, material, and personnel commonly used for remedial action. The department shall consider the schedule of reasonable rates in reviewing all costs for the remedial action which are submitted in a plan. The rates shall be used to determine the amount of reimbursement for the eligible and reasonable costs of the remedial action, except that (a) the reimbursement for the costs of the remedial action shall not exceed the actual eligible and reasonable costs incurred by the responsible person or his or her designated representative and (b) reimbursement may be made for costs which exceed or are not included on the schedule of reasonable rates if the application for such reimbursement is accompanied by sufficient evidence for the department to determine and the department does determine that such costs are reasonable.

(3) The department, in consultation with interested parties, shall report to the Legislature at the beginning of every third year during which the fund is in existence on the availability of private insurance to insure the damages for which payment may be made from the fund.

Sec. 9. That section 66-1525, Revised Statutes Supplement, 1993, be amended to read as follows:

66-1525. (1) Any responsible person or his or her designated representative who has taken remedial action in response to a release first reported after July 17, 1983, and on or before December 31, 1998, or against whom there is a third-party claim may apply to the department under the rules and regulations adopted and promulgated pursuant to section 66-1518 for reimbursement for the costs of the remedial action or third-party claim. Partial payment of such reimbursement to the responsible person may be authorized by the department at the approved stages prior to the completion of remedial action when a remedial action plan has been approved. Such partial payment may include the eligible and reasonable costs of such plan or pilot projects conducted during the remedial action.

(2) No reimbursement may be made unless the department makes the following eligibility determinations:

(a) The tank was in substantial compliance with any rules and regulations of the United States Environmental Protection Agency, the State Fire Marshal, and the department

which were applicable to the tank. Substantial compliance shall be determined by the department taking into consideration the purposes of the Petroleum Release Remedial Action Act and the adverse effect that any violation of the rules and regulations may have had on the tank thereby causing or contributing to the release and the extent of the remedial action thereby required;

(b) Either the State Fire Marshal or the department was given notice of the release in substantial compliance with the rules and regulations adopted and promulgated pursuant to the Environmental Protection Act and the Petroleum Products and Hazardous Substances Storage and Handling Act. Substantial compliance shall be determined by the department taking into consideration the purposes of the Petroleum Release Remedial Action Act and the adverse effect that any violation of the notice provisions of the rules and regulations may have had on the remedial action being taken in a prompt, effective, and efficient manner;

(c) The responsible person reasonably cooperated with the department and the State Fire Marshal in responding to the release;

(d) The department has approved the plan submitted by the responsible person for the remedial action in accordance with rules and regulations adopted and promulgated by the department pursuant to the Environmental Protection Act or the Petroleum Products and Hazardous Substances Storage and Handling Act or that portion of the plan for which payment or reimbursement is requested;

(e) The costs for the remedial action were actually incurred by the responsible person or his or her designated representative after May 27, 1989, and were eligible and reasonable;

(f) If reimbursement for a third-party claim is involved, the cause of action for the third-party claim accrued after April 26, 1991, and the Attorney General was notified by any person of the service of summons for the action within ten days of such service; and

(g) The responsible person or his or her designated representative has paid the amount specified in subsection (1) or (2) of section 66-1523.

(3) The State Fire Marshal shall review each application prior to consideration by the department and provide to the department any information the State Fire Marshal deems relevant to subdivisions (2)(a) through (g) of this section.

(4) The department may withhold taking action on an application during the pendency of an enforcement action by the state or federal government related to the tank or a release from the tank.

(5) Reimbursements made for a remedial action may be reduced as much as one hundred percent for failure by the responsible person to comply with applicable statutory or regulatory requirements. In determining the amount of the reimbursement reduction, the department shall consider:

(a) The extent of and reasons for noncompliance;

(b) The likely environmental impact of the noncompliance; and

(c) Whether noncompliance was negligent, knowing, or willful.

(6) Except as provided in subsection (4) of this section, the department shall notify the responsible person of its approval or denial of the remedial action plan within one hundred twenty days after receipt of a remedial action plan which contains all the required information. If after one hundred twenty days the department fails to either deny, approve, or amend the remedial action plan submitted, the proposed plan shall be deemed approved. If the remedial action plan is denied, the department shall provide the reasons for such denial.

Sec. 13. That original sections 66-1518 and 66-1525, Revised Statutes Supplement, 1993, are repealed.".

2. In AM4357, on page 3, line 26, strike "The other sections" and insert "Sections 10 to 12 and 14"; and in line 27 after the period insert "Sections 8, 9, and 13 of this act shall become operative three calendar months after adjournment of this legislative session.".

3. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 1087. The Landis pending amendment, AM4316, found in the Journal on page 1840, was renewed.

Pending.

Mr. Chambers moved to bracket LB 1087 until April 14, 1994.

Messrs. Coordsen, Wehrbein, and Bernard-Stevens asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Witek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Chambers requested a roll call vote, in reverse order, on his motion to bracket.

Voting in the affirmative, 12:

Chambers	Hall	Schellpeper	Vrtiska	Wesely
Elmer	Kristensen	Schimek	Warner	Wickersham
Haberman	Lindsay			

Voting in the negative, 31:

Abboud	Crosby	Hartnett	Lynch	Pirsch
Ashford	Cudaback	Hillman	Matzke	Rasmussen
Avery	Day	Hudkins	McKenzie	Robinson
Beutler	Dierks	Janssen	Monen	Schmitt
Bohlke	Engel	Jones	Moore	Will
Bromm	Fisher	Landis	Pedersen	Witek
Byars				

Present and not voting, 2:

Preister	Robak

Excused and not voting, 4:

Bernard-Stevens	Coordsen	Wehrbein	Withem

The Chambers motion to bracket lost with 12 ayes, 31 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Preister asked unanimous consent to be excused. No objections. So ordered.

The Landis pending amendment, AM4316, found in the Journal on page 1840 and considered in this day's Journal, was renewed.

Mr. Chambers offered the following amendment to the Landis pending amendment:
FA558
Amend AM4316
Page 2, line 15, after "greater", add "or for a period of ten years, whichever contingency occurs first

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Chambers amendment lost with 8 ayes, 24 nays, 15 present and not voting, and 2 excused and not voting.

Pending.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 833A. Placed on Select File.
LEGISLATIVE BILL 886A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 694, 694A, 1066, and 1310.

Enrollment and Review Change to LB 694

The following changes, required to be reported for publication in the Journal, have been made:
ER7475

1. In the Schellpeper et al. amendment, AM4432, on page 1, line 3, "1992" has been struck and "1993" inserted.

2. In the E & R amendment, AM5650:

a. Sections 123 and 124 and all amendments thereto have been struck and the following new sections inserted:

"Sec. 124. Sections 1 to 108, 110 to 113, and 126 of this act shall become operative on October 1, 1994. Sections 116, 119, 124, 127, and 128 of this act shall become operative on their effective date. The other sections of this act shall become operative three calendar months after adjournment of this legislative session.

Sec. 125. That original sections 9-629, 9-801, 9-803, 9-814, 9-826, 9-832, and 9-834, Revised Statutes Supplement, 1993, are repealed.";

b. On page 18, line 19; page 72, line 4; and page 117, line 9, "a licensed" has been struck and "the" inserted and "is" has been struck and "shall be" inserted;

c. On page 72, line 8; and page 117, line 12, "by the licensed organization" has been struck;

d. On page 55, line 18, "who" has been struck and "which" inserted;

e. On page 137, lines 11 and 12, "116 and 117" has been struck and "117 and 118" inserted;

f. On page 160, line 27, "9-629," has been inserted after "9-329.02,"; and

g. On page 161, line 7, "to change provisions relating to audit and legal expenses under the Nebraska County and City Lottery Act;" has been inserted after the first semicolon; in line 8 the first "and" has been struck; and in line 12 "; and to declare an emergency" has been inserted before the period.

Enrollment and Review Change to LB 1066

The following changes, required to be reported for publication in the Journal, have been made:
ER7471

1. In the Hall-Lindsay-Chambers amendment, AM3685:

a. On page 1, line 4, 72-1259" has been struck, shown as stricken, and "72-1260" inserted; in line 5 "shall be known and" has been inserted after "act"; and in line 8 the colon has been struck and "Compile" has been struck and "compile" inserted; and

b. On page 3, line 14, "25" has been struck and "18" inserted.

2. On page 1, line 2, "72-1260," has been inserted after the last comma.

3. On page 2, line 12, "to provide duties for the state investment officer with respect to corporations doing business in Northern Ireland;" has been inserted after the semicolon.

Enrollment and Review Change to LB 1310

The following changes, required to be reported for publication in the Journal, have been made:
ER7467

1. In the Bohlke amendment, AM4253, on page 2, line 12, "and 17" has been struck and "13, 14, and 19" inserted; and in line 15 "sine die" has been struck.

2. On page 1, line 1, "schools and school districts" has been struck and "political subdivisions" inserted; in line 2 "79-1248," has been struck; in line 11 "to authorize issuance of passes to school and college activities; to define terms;" has been inserted after the semicolon; in line 13 "contracts and" has been struck; in line 14 "and" has been struck and "to provide operative dates;" inserted; and in line 15 "; and to declare an emergency" has been inserted before the period.

(Signed) Janis M. McKenzie, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 507. Introduced by Pirsch, 10; Robinson, 16; Elmer, 38; Witek, 31; Bernard-Stevens, 42; Moore, 24; Janssen, 15; Coordsen, 32; Byars, 30; Rasmussen, 20; Jones, 43; Dierks, 40; Bohlke, 33; Crosby, 29; Preister, 5; Fisher, 35; Schellpeper,

18; Avery, 3; Engel, 17; Monen, 4; Haberman, 44; Hall, 7; Beutler, 28; Matzke, 47; Ashford, 6; Wesely, 26; Will, 8; Abboud, 12; Hartnett, 45; McKenzie, 34; Vrtiska, 1; Wehrbein, 2; Pedersen, 39; Schmitt, 41; Lynch, 13; Robak, 22; Hudkins, 21; Schimek, 27; Cudaback, 36; Bromm, 23; Day, 19; Hillman, 48.

WHEREAS, sixty-six percent of children in Nebraska reside in homes where either both parents or an only parent are in the labor force; and

WHEREAS, the childcare providers for these children play an important role in their lives; and

WHEREAS, the childcare providers of our state our responsible to these children in the absence of the working parent or parents; and

WHEREAS, the childcare providers for these children not only aid in their physical needs but also in their emotional and psychological needs as well; and

WHEREAS, childcare providers help build a secure and familiar environment for our children; and

WHEREAS, the childcare providers of our children do so without a great deal of monetary compensation, personal accolades, or public praise.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature supports the continued outstanding efforts of the childcare providers of Nebraska.

2. That the Legislature thanks the neighbors, grandparents, aunts, uncles, cousins and professional childcare providers for caring for Nebraska's young.

3. That the Legislature declares Saturday, September 10, 1994, as Childcare Providers Recognition Day.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 1015 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM4513.)

UNANIMOUS CONSENT - Member Excused

Mr. Lindsay asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1087. The Landis pending amendment, AM4316, was renewed.

Mr. Landis moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Landis requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Ashford	Byars	Fisher	Matzke	Robinson
Bernard-Stevens	Crosby	Hudkins	McKenzie	Wesely
Beutler	Day	Landis	Pedersen	Will
	Engel	Lynch	Rasmussen	

Voting in the negative, 23:

Abboud	Coordsen	Hillman	Robak	Wehrbein
Avery	Dierks	Jones	Schellpeper	Wickersham
Bohlke	Elmer	Monen	Vrtiska	Witek
Bromm	Haberman	Moore	Warner	Withem
Chambers	Hall	Pirsch		

Present and not voting, 5:

Hartnett	Janssen	Kristensen	Schimek	Schmitt

Excused and not voting, 3:

Cudaback	Lindsay	Preister

The Landis amendment lost with 18 ayes, 23 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Warner offered the following amendment:
FA559
Amend AM4351
1) On page 3, line 27, strike "be for no more than" and insert "terminate after"
2) On page 4, line 1, strike "until December 31, 1995" and insert "on January 1, 1996"

The Warner amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Mr. Ashford moved to suspend the rules to vote on LB 1087 without further amendment or debate.

Mr. Ashford moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Ashford requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 31:

Abboud	Byars	Fisher	Lynch	Rasmussen
Ashford	Coordsen	Hartnett	Matzke	Robak
Avery	Cudaback	Hudkins	McKenzie	Robinson
Bernard-Stevens	Day	Janssen	Monen	Vrtiska
	Dierks	Jones	Pedersen	Will
Bohlke	Elmer	Landis	Pirsch	Witek
Bromm	Engel			

Voting in the negative, 9:

Crosby	Hillman	Schellpeper	Warner	Wickersham
Hall	Kristensen	Schimek	Wesely	

Present and not voting, 7:

Beutler	Haberman	Schmitt	Wehrbein	Withem
Chambers	Moore			

Excused and not voting, 2:

Lindsay Preister

The Ashford motion to suspend the rules prevailed with 31 ayes, 9 nays, 7 present and not voting, and 2 excused and not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:

Abboud	Byars	Hartnett	McKenzie	Robak
Ashford	Coordsen	Hillman	Monen	Robinson
Avery	Cudaback	Hudkins	Moore	Schmitt
Bernard-Stevens	Day	Janssen	Pedersen	Will
	Dierks	Jones	Pirsch	Witek
Bohlke	Engel	Landis	Rasmussen	Withem
Bromm	Fisher	Matzke		

Voting in the negative, 11:

Beutler	Chambers	Crosby	Haberman	Hall

Kristensen	Schimek	Warner	Wesely	Wickersham
Schellpeper				

Present and not voting, 4:

Elmer	Lynch	Vrtiska	Wehrbein

Excused and not voting, 2:

Lindsay	Preister

Advanced to E & R for engrossment with 32 ayes, 11 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 961. E & R amendment, AM5712, found in the Journal on page 1366, was adopted.

Mr. Hall renewed his pending amendment, AM3932, found in the Journal on page 1480.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Witek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Hall moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Landis requested a roll call vote on the Hall amendment.

Voting in the affirmative, 28:

Ashford	Dierks	Hudkins	Pedersen	Schmitt
Byars	Elmer	Janssen	Pirsch	Vrtiska
Coordsen	Haberman	Jones	Rasmussen	Wesely
Crosby	Hall	Lynch	Robinson	Wickersham
Cudaback	Hartnett	Monen	Schellpeper	Will
Day	Hillman	Moore		

Voting in the negative, 11:

Avery	Chambers	Landis	Matzke	Warner
Bernard-Stevens	Engel	Lindsay	Robak	Wehrbein
	Fisher			

Present and not voting, 8:

Abboud	Bohlke	McKenzie	Witek	Withem
Beutler	Bromm	Schimek		

Excused and not voting, 2:

Kristensen Preister

The Hall amendment was adopted with 28 ayes, 11 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA561
(1) Page 2, line 18, strike the ";" and insert, "in any county where a majority of those voting, approve such exemption at a regular or special election."

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 1224 and 1224A.

Enrollment and Review Change to LB 1224

The following changes, required to be reported for publication in the Journal, have been made:
ER7480
1. In lieu of the Rasmussen amendments, FA545 and FA546, in the Wesely amendment, AM4481:
a. On page 2, line 21, ";

(l) What transitional health coverage shall consist of, whom it will include, and what the sliding-fee schedule shall consist of; and

(m) A description of the child-care subsidy sliding-fee scale" has been inserted before the period; and

b. On page 3, line 3, "For purposes of this section, approved by the Legislature shall mean the introduction, consideration, and enactment of legislation." has been inserted after the period; and in line 10 "For purposes of this section, approved by the Legislature shall mean the introduction, consideration, and enactment of legislation." has been inserted after the first period.

2. In the Chambers amendment, FA547, the first line has been struck and "1. Insert the following new amendment:

'9. On page 18, line 8, after the period' " inserted.

3. In lieu of the Wesely amendment, FA550, in the Wesely amendment, AM4481, strike sections 89 to 93 and amend the operative date section accordingly.

4. In the E & R amendment, AM5732:

a. On page 71, line 15, "and the" has been struck and ", which" inserted;

b. On page 94, line 27, "This section and section 94 of this act shall become operative on their effective date." has been inserted after the period;

c. On page 95, line 2, "sine die" has been struck; and in line 25 "and" has been struck and "and 81-8,244," has been inserted after the last comma; and

d. On page 97, line 2, "to provide for a deputy public counsel for welfare services;" has been inserted after the semicolon.

5. Other E & R changes have been made as necessary to incorporate all amendments.

Enrollment and Review Change to LB 1224A

The following changes, required to be reported for publication in the Journal, have been made:

ER7481

1. On page 1, line 3, "; and to state intent" has been inserted after "1994".

LEGISLATIVE BILL 1207A. Placed on Select File.

LEGISLATIVE BILL 1210A. Placed on Select File.

(Signed) Janis M. McKenzie, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. McKenzie asked unanimous consent to print the following amendment to LB 1210 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM4480.)

Mr. Lindsay asked unanimous consent to print the following amendment to LB 961 in the Journal. No objections. So ordered.

FA560
Amend as follows:
1. On page 2, line 24 (AM5712), after "tax" insert:
(8) Business property in counties having 200,000 inhabitants or more shall be exempt from the personal property tax.
2. On page 3, line 1, after "repealed", insert "and also sections 77-2715.08 and 77-2715.09 are repealed"

Mr. Lindsay asked unanimous consent to print the following amendment to LB 961 in the Journal. No objections. So ordered.

FA562
Amend AM5712 as follows
On page 2, line 24, after "tax", insert:
"(8) Computers used for financial gain or profit shall be exempt from the personal property tax."

UNANIMOUS CONSENT - Add Cointroducer

Mr. Ashford asked unanimous consent to have his name added as cointroducer to LB 1087. No objections. So ordered.

MOTION - Adjournment

Mrs. Robak moved to adjourn until 9:00 a.m., Tuesday, April 12, 1994.

Mrs. Robak moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mrs. Robak requested a roll call vote on her motion to adjourn.

Voting in the affirmative, 5:

Ashford	Matzke	Pedersen	Robak	Wesely

Voting in the negative, 34:

Avery	Coordsen	Fisher	Landis	Schellpeper
Bernard-Stevens	Crosby	Haberman	Lindsay	Schimek
Beutler	Cudaback	Hall	Lynch	Schmitt
Bohlke	Day	Hillman	Monen	Warner
Bromm	Dierks	Hudkins	Moore	Wehrbein
Byars	Elmer	Janssen	Rasmussen	Wickersham
	Engel	Jones	Robinson	Withem

Present and not voting, 5:

Abboud Chambers Hartnett McKenzie Vrtiska

Absent and not voting, 1:

Witek

Excused and not voting, 4:

Kristensen Pirsch Preister Will

The Robak motion to adjourn lost with 5 ayes, 34 nays, 5 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Members Excused

Mrs. McKenzie, Messrs. Landis, Ashford, and Moore asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Pedersen asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 961. The Chambers pending amendment, FA561, found in this day's Journal, was renewed.

Mr. Chambers offered the following amendment to his pending amendment:
FA563
Amend FA561
In line 1, after "county", insert "which contains a city of the metropolitan class"

Pending.

VISITORS

Visitors to the Chamber were 20 fourth, fifth, and sixth grade students, teachers, and sponsors from Allen Consolidated School; 48 fifth and sixth grade students and sponsors from Clay Center; 36 fourth through sixth grade students and teacher from Wolbach Public School; eight seniors and teacher from Lawrence High School; 90 students and teachers from Northeast Elementary School, Kearney; Melvin Vavra; 30 fifth grade students and teachers from Doniphan Elementary School; and a group from the Nebraska Retail Grocers Association.

The Doctor of the Day was Senator Matzke's son, Jay Matzke.

ADJOURNMENT

At 10:55 p.m., on a motion by Mrs. Bohlke, the Legislature adjourned until 9:00 a.m., Tuesday, April 12, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-SEVENTH DAY - APRIL 12, 1994

LEGISLATIVE JOURNAL

FIFTY-SEVENTH DAY - APRIL 12, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 12, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Roger Nelson, First Presbyterian Church, Grand Island, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Beutler, Bromm, Chambers, Haberman, Hall, Landis, Lindsay, Lynch, Moore, Wesely, Will, Ms. Day, Mmes. Pirsch, and Robak who were excused until they arrive.

PRESIDENT ROBAK PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-sixth day was approved.

REPORT OF THE EXECUTIVE BOARD

1994 Resolutions Calling For a Study

341 Interim study to analyze jurisdictional issues relating to suburban development in Nebraska with emphasis on the Omaha metropolitan area
Urban Affairs

346 Interim study to determine whether Nebraska should enact the Uniform Health Care Decisions Act
Health and Human Services

347 Interim study to determine whether Nebraska should enact the latest version of the Uniform Anatomical Gift Act
Health and Human Services

350 Interim study to determine what legislation should be developed to promote the national information superhighway
Transportation

351 Interim study to determine whether competition among local exchange carriers should be encouraged by further deregulation to enhance service for telephone subscribers
Transportation

352 Interim study of effect of Laws 1986, LB 835 (telecommunications deregulation), on access charges in Nebraska
Transportation

353 Interim study of the state's present transportation system
Transportation

357 Interim study to determine whether Nebr. should join a compact to enhance the system for resolution of insurance companies in hazardous financial condition
Banking, Commerce and Insurance

358 Interim study to consider updating Nebraska law regarding credit life and credit health and accident insurance
Banking, Commerce and Insurance

359 Interim study to determine whether Nebraska should enact the Model Business Corporation Act
Banking, Commerce and Insurance

360 Interim study to determine whether Nebraska should enact the updated version of the Uniform Partnership Act
Banking, Commerce and Insurance

361 Interim study to determine whether Nebraska should enact revisions in its version of the Nebr. Uniform Limited Partnership Act
Banking, Commerce and Insurance

362 Interim study to determine whether Nebr. should enact revisions in Article 8 (investment securities) of the Uniform Commercial Code
Banking, Commerce and Insurance

363 Interim study to determine whether Nebr. should provide for increased regulation of mortgage loan servicing
Banking, Commerce and Insurance

365 Interim study of the availability of animal damage control services for control of predators and disease
Agriculture

366 Interim study of long-term policy recommendations of the Nebr. Aquaculture Board and assignment of water-use priorities
Agriculture

367 Interim study to compare agricultural tax policies of other states
Revenue

368 Interim study of retail liquor regulation
General Affairs

370 Interim study to examine need to develop a financing package for the construction of a new veterans home in Norfolk
Appropriations

371 Interim study of the issue of drinking water contamination
Health and Human Services

372 Interim study of possibility of modifying statutes relating to criminal history record information
Judiciary

373 Interim study to reestablish the task force created by LB 405, Laws 1992, relating to mental health services
Health and Human Services

375 Interim study to examine the criminal verdict of "guilty except insane" for inclusion in the Nebr. Criminal Code
Judiciary

376 Interim study relating to enforcement of game and wildlife laws on lands within tribal reservation boundaries
Government, Military and Veterans Affairs

377 Interim study of fiscal problems facing Nebraska's regional youth detention centers
Appropriations

378 Interim study to continue examination of the amount of building projects planned for state-owned buildings

Building Maintenance

379 Interim study to examine factors contributing to the escalating costs of workers' compensation insurance
Business and Labor

380 Interim study to analyze procedures, costs, and issues relating to the Commission of Industrial Relations
Business and Labor

381 Interim study to examine implementing cost of living adjustment for the retirement systems
Nebraska Retirement Systems

382 Interim study to evaluate recommendations of a buy-back report as part of a comprehensive study of the retirement systems
Nebraska Retirement Systems

383 Interim study to authorize completion of the comprehensive study of the public employees retirement systems
Nebraska Retirement Systems

384 Interim study of circuit-breaker legislation which targets property tax relief
Revenue

386 Interim study of the motor vehicle titling program
Transportation

387 Interim study of the county veterans' service officers system and the method by which salaries are determined
Government, Military and Veterans Affairs

388 Interim study to examine methods of improving the financial viability of horseracing in Nebraska
General Affairs

389 Interim study to examine the effect of gaming activities in surrounding states on activities conducted in Nebraska
General Affairs

390 Interim study to examine governance of, funding for, and access to public library services
General Affairs

392 Interim study to examine need for provisions addressing the ethical considerations of elected and appointed officials at the political subdivision level

Government, Military and Veterans Affairs

393 Interim study to examine need for provisions addressing ethical considerations of elected and appointed officials within the executive branch
Government, Military and Veterans Affairs

394 Interim study of the committee structure of the Nebraska Legislature
Rules

395 Interim study of overlapping federal, state, and local regulations with respect to asbestos removal
Health and Human Services

396 Interim study to examine the county government organizational and financial structure
Government, Military and Veterans Affairs

397 Interim study to examine the possible statutory requirement that students between 7th and 12th grades receive instruction in Nebr. history
Education

398 Interim study of proposed modifications of the Tax Equity and Educational Opportunities Support Act
Education

399 Interim study of the roles of the state and school districts in establishing outcome standards for student achievement
Education

400 Interim study of the impact of the enrollment option program
Education

401 Interim study of the need for requiring that teacher preparation programs include coursework in Nebr. history
Education

402 Interim study of school districts contracting for educational services
Education

403 Interim study of funding strategies to support early childhood education programs operating through public schools
Education

404 Interim study of the practices of school districts in admission of nonresident students

Education

405 Interim study of requirements for the provision of transportation or a transportation allowance to students
Education

406 Interim study to cause an evaluation of the impacts of centralization of state government offices on different geographic regions in the state
Government, Military and Veterans Affairs

407 Interim study of the state correctional system
Appropriations

408 Interim study to examine the process for making teachers state employees
Revenue

409 Interim study of property taxation in Nebraska
Revenue

410 Interim study of placing a limit on liability of the state under the State Tort Claims Act
Judiciary

411 Interim study of the Revised Model Nonprofit Corporation Act
Banking, Commerce and Insurance

412 Interim study of the child support system in Nebraska
Judiciary

413 Interim study of the appropriate methods for distributing lottery funds set aside for assistance of compulsive gamblers
General Affairs

414 Interim study of removing property taxation from the public education financing mix
Revenue

415 Interim study to examine feasibility of electing county administrative officials on a nonpartisan basis
Government, Military and Veterans Affairs

416 Interim study to examine feasibility of allowing certain deputy county attorneys to legally represent any other political subdivision
Judiciary

417 Interim study of the transfer of water

Natural Resources

418 Interim study of health problems associated with and the environmental impact of lead contamination
Health and Human Services

419 Interim study of the system, services, and funding relating to educational service units
Education

420 Interim study to examine statutes governing the procedure used to locate and construct power transmission lines
Natural Resources

421 Interim study to examine all aspects of the state and local tax system
Revenue

422 Interim study to examine the problem of roadside litter
Natural Resources

423 Interim study to review the legislative role in issuing specialized license plates
Transportation

424 Interim study to establish an ad hoc committee and propose ways of eliminating duplication of foster care reviews
Health and Human Services

425 Interim study to review current judicial district boundaries, the operation of the Judicial Resources Comm., and workloads of judges
Judiciary

426 Interim study to examine the current service delivery system for children and families
Health and Human Services

427 Interim study of the cable television industry
Transportation

428 Interim study to examine issues related to the telecommunications industry
Transportation

429 Interim study to examine issues related to public and private crossings of railroad tracks
Transportation

430 Interim study to evaluate the adequacy of the combined contribution rate for the State Patrol Retirement System
Nebraska Retirement Systems

431 Interim study to review costs associated with changing current contribution rates to provide additional benefits for retirement plans
Nebraska Retirement Systems

432 Interim study relating to nonresident tuition policies at public postsecondary educational institutions
Education

433 Interim study to complete review and revision of statutes governing volunteer fire and rescue departments
Urban Affairs

434 Interim study relating to regulation of natural gas service
Urban Affairs

435 Interim study to provide a forum to present issues to the Urban Affairs Committee
Urban Affairs

436 Interim study to examine issues related to actual and potential conflicts of interest confronting public officials
Government, Military and Veterans Affairs

437 Interim study to examine issues surrounding the establishment of current child support guidelines
Judiciary

438 Interim study to examine problems regarding adoption in Nebraska
Health and Human Services

439 Interim study of current statutory requirements and regulations regarding Workers' Compensation self-insurance
Business and Labor

440 Interim study of the need for a state housing trust fund
Health and Human Services

441 Interim study of the current inmate population of the Dept. of Correctional Services
Judiciary

442 Interim study to examine administrative costs of K-12 education relative to costs associated with teachers' salaries and other costs
Education

443 Interim study of issues facing Nebraska's criminal justice system
Judiciary

444 Interim study of the current indigency defense system in Nebraska
Judiciary

445 Interim study to look into issues relevant to judicial burn-out
Judiciary

446 Interim study of issues relevant to the procedure of the investigation of reports of neglected and abused children
Judiciary

447 Interim study to examine the incidence and impact of prenatal exposure to controlled substances
Judiciary

448 Interim study to review the method the Game and Parks Commission uses for awarding deer hunting permits
Natural Resources

449 Interim study of the issue of integrated management of ground water and surface water
Natural Resources

450 Interim study of the occurrence of ground water, surface water, and water right transfers
Natural Resources

451 Interim study relating to water contamination in the state
Health and Human Services

452 Interim study relating to issues connected with the state's natural resources districts
Natural Resources

453 Interim study of laws and policies relating to instream appropriations of water
Natural Resources

454 Interim study of feasibility of developing alternate energy sources

Natural Resources

455 Interim study to review sections of the federal Energy Policy Act of 1992
Natural Resources

456 Interim study to review statutory authority of public power districts
Natural Resources

457 Interim study to examine the extent of environmental lead poisoning
Health and Human Services

458 Interim study of the operating structure and legal authority of the Game and Parks Commission
Natural Resources

459 Interim study of state policies relating to plant and animal species
Agriculture

460 Interim study of the current method for funding the implementation of programs consistent with requirements of the Clean Air Act
Natural Resources

461 Interim study of issues relating to radioactive waste
Natural Resources

462 Interim study of laws and policies relating to solid waste and litter and waste reduction
Natural Resources

463 Interim study relating to the response, investigation, and cleanup of environmental hazards
Natural Resources

464 Interim study of Nebraska governmental entities overseeing natural resources
Natural Resources

465 Interim study of issues surrounding establishment of a statewide system of technology centers as a resource for educators
Education

466 Interim study to identify and provide recommendations regarding policies affecting financial and emotional support of children of divorced parents
Judiciary

467 Interim study of recent and expected advances in human genetic information and technology
Health and Human Services

468 Interim study of issues surrounding the use of nurse practitioners to provide primary health care to Nebraska residents
Health and Human Services

469 Interim study to examine problems regarding the adoption process
Health and Human Services

470 Interim study to examine feasibility of creating a Neuroscience Institute at the University of Nebr. Medical Center
Health and Human Services

471 Interim study to continue examination of general licensure laws in Nebraska governing Boards of Examiners in the Dept. of Health
Health and Human Services

472 Interim study to examine the Dept. of Roads project fund allocation procedure and project priority formula or procedure
Transportation

473 Interim study to review criteria utilized in the Nebr. Regulation of Health Professionals Act (407 process)
Health and Human Services

474 Interim study of positive and negative impact of Initiative 300
Agriculture

475 Interim study of student employment and its effect on education in Nebraska
Business and Labor

476 Interim study of the makeup and function of the State Board of Health
Health and Human Services

477 Interim study of the Correctional Industries program within the Dept. of Correctional Services
Judiciary

478 Interim study to examine the feasibility of the privatization of prisons in the State of Nebraska
Judiciary

479 Interim study of tribal gaming activities
General Affairs

480 Interim study to examine the extent of unregulated gaming in Nebraska
General Affairs

481 Interim study to examine the Nebraska School Activities Association
Education

482 Interim study to create an interim committee to study the tax structure in the State of Nebraska
Revenue

483 Interim study to examine the need for continued funding to carry out the responsibilities under the Ethanol Development Act
Revenue

484 Interim study of the feasibility and options for providing elementary planning time
Education

485 Interim study of the adequacy of guidance counseling services in public elementary schools
Education

486 Interim study of the issue of allocating the commercial fertilizer fee to programs related to natural resources and the environment
Natural Resources

487 Interim study of the idea of allowing the Dept. of Social Services to represent children who are status offenders or who have been abused
Judiciary

488 Interim study to examine programs and services for children and families in Nebraska
Health and Human Services

489 Interim study to create the Homestead Exemption Study Committee

Revenue

490 Interim study of the impact of the repeal of 83-1,105 contained in Laws 1993, LB 529, on Nebraska's criminal justice system
Judiciary

491 Interim study of the allocation of judicial resources among the county court, district court, and juvenile court districts
Judiciary

492 Interim study to examine the use of job training funds
Appropriations

493 Interim study to examine the budget development process that leads to the formulation of the Appropriations Committee budget recommendations
Appropriations

494 Interim study to examine the necessity of legislation to require the registration and licensing of collision repair shops in Nebraska
Banking, Commerce and Insurance

495 Interim study of human service and health status issues
Health and Human Services

(Signed) Timothy J. Hall, Chairperson
Executive Board

SELECT FILE

LEGISLATIVE BILL 1034. E & R amendment, AM5735, found in the Journal on page 1800, was adopted.

Mr. Elmer withdrew his amendments, AM3527 and AM4430, found in the Journal on pages 1754 and 1816.

Mr. Robinson withdrew his amendment, AM4431, found in the Journal on page 1836.

Mr. Robinson renewed his pending amendment, AM4516, found in the Journal on page 1893.

The Robinson amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Mr. Bernard-Stevens renewed his pending amendment, AM4374, found in the Journal on page 1768.

The Bernard-Stevens amendment lost with 20 ayes, 12 nays, 8 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1034A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 72. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1349. E & R amendment, AM5737, found in the Journal on page 1811, was adopted.

Mr. Avery withdrew his amendments, AM4510 and AM4448, found in the Journal on pages 1894 and 1898.

Mr. Avery offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM4515.)

Mr. Wickersham asked unanimous consent to be excused until he returns. No objections. So ordered.

The Avery amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1349A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1022. Advanced to E & R for engrossment.

LEGISLATIVE BILL 901. E & R amendment, AM5736, found in the Journal on page 1812, was adopted.

Advanced to E & R for engrossment.

Mr. Matzke asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 885. E & R amendment, AM5740, found in the Journal on page 1842, was adopted.

Mr. Kristensen asked unanimous consent to pass over LB 885. No objections. So ordered.

Mr. Avery asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 885A. Mr. Kristensen withdrew his amendment, AM4371, found in the Journal on page 1768.

Mr. Kristensen offered the following amendment:
AM4466
1 1. Strike the original section and insert the

following new sections:

"Section 1. There is hereby appropriated $190,260 from the Department of Motor Vehicles Computerization and Operations Fund for FY1993-94 to the Department of Motor Vehicles, for Program 70.

Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 1, strike beginning with "aid" in line 1 through "1994" in line 3 and insert "the Department of Motor Vehicles; and to declare an emergency".

The Kristensen amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 277CA. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1354. E & R amendment, AM5738, found in the Journal on page 1843, was adopted.

Mr. Schellpeper renewed his pending amendment, AM4485, found in the Journal on page 1878.

The Schellpeper amendment was adopted with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

Mr. Chambers offered the following amendment:
FA564
Strike Hall-Will Amendment AM3699 adopted on General File

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Chambers	Elmer	Landis	Schimek	Wehrbein
Crosby	Engel	Preister	Warner	Wesely
Cudaback	Kristensen			

Voting in the negative, 15:

Avery	Hall	Monen	Rasmussen	Schellpeper
Beutler	Hartnett	Pedersen	Robak	Schmitt
Fisher	Lynch	Pirsch	Robinson	Witek

Present and not voting, 15:

Bernard-Stevens	Byars	Dierks	Hudkins	Vrtiska
	Coordsen	Haberman	Janssen	Wickersham
Bohlke	Day	Hillman	McKenzie	Withem
Bromm				

Excused and not voting, 7:

Abboud	Jones	Matzke	Moore	Will
Ashford	Lindsay			

The Chambers amendment lost with 12 ayes, 15 nays, 15 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 293CA. Mrs. Robak renewed her pending amendment, AM4496, found in the Journal on page 1885.

Mr. Wesely requested a ruling of the Chair on whether the Robak amendment is germane to the bill.

The Chair ruled the Robak amendment is germane to the bill.

SPEAKER WITHEM PRESIDING

Mr. Hall moved to override the Speaker's Agenda and continue to consider LR 293CA pursuant to Rule 1, Sec. 16(A) of the Rules of the Nebraska Unicameral Legislature.

Mr. Hall withdrew his motion to override the Speaker's Agenda.

Pending.

LEGISLATIVE BILL 944. E & R amendment, AM5742, found in the Journal on page 1863, was adopted.

Mr. Bromm renewed his pending amendment, AM3388, found in the Journal on page 1009.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bromm withdrew his amendment.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Wesely withdrew his amendments, AM3939 and AM3692, found in the Journal on pages 1372 and 1375.

Messrs. Beutler and Wickersham offered the following amendment: AM4356

1. Insert the following new sections:

"Section 1. Sections 1 to 8 of this act shall be known and may be cited as the Candidate Campaign Committee Income Tax Act.

Sec. 2. For purposes of the Candidate Campaign Committee Income Tax Act:

(1) Allowable deduction shall mean (a) funds spent for meals, lodging, fees, and travel by an officeholder and his or her staff for professional meetings, seminars, and other events related to the duties of his or her public office when the meeting, seminar, or event is not held within the political subdivision where the officeholder is a resident, (b) funds spent for books, magazines, or other printed materials that may not be directly related to campaigning, elections, or fundraising, but which directly relate to the duties of the office, or (c) any legal fees or expenses paid directly related to an election contest pursuant to sections 32-1001 to 32-1002;

(2) Candidate committee shall mean a candidate committee as defined in section 49-1410 established for offices covered by the Campaign Finance Limitation Act pursuant to section 32-1604; and

(3) Income shall mean cash, in-kind contributions, and discharged debts received by a candidate committee, less any allowable deductions. Income shall not include loans received by the candidate committee until such loans are forgiven or unenforceable.

Sec. 3. (1) Except as provided in subsection (2) of this section, a candidate campaign committee income tax shall be imposed on income received by a candidate committee in excess of the amount requiring the establishment of a candidate committee specified in section 49-1445. The tax shall be imposed at a rate equal to one hundred fifty and eight-tenths percent of the primary rate imposed on individuals under section 77-2701.01 on the first fifty thousand dollars of income received by the candidate committee in a calendar year and at the rate of two hundred eleven percent of such primary rate on all income in excess of fifty thousand dollars. The resultant rates shall be rounded to the

nearest one hundredth of one percent. For 1994 only, the tax shall be imposed on the funds raised after June 14 through December 31, 1994.

(2) Income attributable to the discharge of an indebtedness shall be taxed in the amount and at the rate at which such income would have been taxed had it been considered income in the calendar year in which such debt was incurred by the candidate committee.

(3) A candidate committee shall annually file a tax return with the Department of Revenue on or before January 31 for the prior calendar year. The tax shall be due with the return.

(4) The Tax Commissioner shall develop a form for the return. The department shall remit revenue from the income tax, interest, and penalties to the State Treasurer for credit to the Campaign Finance Limitation Cash Fund.

Sec. 4. A candidate committee shall develop a form for the receipt of income. Such receipt shall include a method for a contributor to designate that his or her contribution shall not be used to pay any portion of a candidate campaign committee income tax.

Sec. 5. The candidate shall be personally liable for any unpaid taxes, interest, and penalties due under the Candidate Campaign Committee Income Tax Act.

Sec. 6. All taxes due under the Candidate Campaign Committee Income Tax Act shall be paid not later than January 31. Any amount due but not paid by January 31 shall be subject to interest at the rate specified in section 45-104.02, as such rate may from time to time be adjusted. A late penalty of five percent of the tax owed shall be assessed for each month or fraction of a month that the tax payment is not paid after January 31 up to an amount of twenty-five percent of the tax owed.

Sec. 7. A candidate who willfully fails to file or cause to be filed a candidate campaign committee income tax return as required by the Candidate Campaign Committee Income Tax Act shall be guilty of a Class II misdemeanor.

Sec. 8. The Department of Revenue shall adopt and promulgate rules and regulations to carry out the Candidate Campaign Committee Income Tax Act.

Sec. 9. That section 32-1610, Revised Statutes Supplement, 1993, be amended to read as follows:

32-1610. The Campaign Finance Limitation Cash Fund is hereby created. The fund shall be used by the commission to provide public financing of campaigns pursuant to the Campaign Finance Limitation Act, except that transfers may be made to the General Fund at the direction of the Legislature. The fund shall consist of money appropriated to it by the Legislature, amounts repaid by candidates pursuant to sections

32-1606 and 32-1607, ~~and~~ taxpayer contributions to the fund pursuant to section 77-27,119.04, and revenue from the Candidate Campaign Committee Income Tax Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1276.

Sec. 11. That section 49-1446.01, Revised Statutes Supplement, 1992, be amended to read as follows:

49-1446.01. No committee, other than a political party committee, may expend or transfer funds except to make an expenditure, as defined in subsection (1), (2), or (3) of section 49-1419, or as provided in this section. Any committee, including a political party committee, may:

(1) Make expenditures or transfer funds after any election for: (a) The necessary continued operation of the campaign office or offices of the candidate or political committee; (b) social events primarily for the benefit of campaign workers and volunteers or constituents; (c) obtaining public input and opinion; (d) repayment of campaign loans incurred prior to election day; (e) newsletters and other communications of information, thanks, acknowledgment, or greetings, or for the purpose of political organization and planning; (f) gifts of acknowledgment, including flowers and charitable contributions, except that gifts to any one natural person shall not exceed fifty dollars in any one calendar year; (g) meals, lodging, and travel by an officeholder related to his or her candidacy and for members of the immediate family of the officeholder when involved in activities related to his or her candidacy; ~~and~~ (h) meals, lodging, and travel by an officeholder and his or her staff when involved in activities related to the duties of his or her public office; and (i) payment of any tax owed pursuant to the Candidate Campaign Committee Income Tax Act;

(2) Make expenditures or transfer funds for the payment of installation and use of telephone and telefax machines located in an officeholder's public office and used by such officeholder; and

(3) Invest funds in investments authorized in sections 72-1237 to 72-1276 for the state investment officer.

Nothing in this section shall prohibit a separate segregated political fund from disbursing funds as provided in section 49-1469.

Sec. 16. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

2. On page 2, line 3, strike "3" and insert "13".

3. On page 8, line 12, after the first comma insert "49-1446.01,"; and in line 13 strike "section" and insert "sections 32-1610 and".

Messrs. Beutler and Wickersham withdrew their amendment.

Mr. Kristensen offered the following amendment:
FA535
"4. On page 7, line 23, strike the new matter and reinstate the stricken matter.".

Mr. Kristensen withdrew his amendment.

Mr. Chambers offered the following amendment:
FA565
Page 7, line 23, Strike and show as stricken, "twenty-five dollars" and insert, "one biscuit and one chicken wing."

Pending.

LEGISLATIVE BILL 833. Mr. Wickersham renewed his pending amendment, AM4470, found in the Journal on page 1876.

The Wickersham amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Dierks renewed his pending amendment, AM3885, found in the Journal on page 1877.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dierks requested a record vote on his amendment.

Voting in the affirmative, 9:

Bernard-Stevens	Bromm	Hartnett	Monen	Vrtiska
	Dierks	Janssen	Schimek	Witek

Voting in the negative, 14:

Chambers	Elmer	Hillman	Pedersen	Wickersham
Coordsen	Engel	Landis	Schmitt	Withem
Crosby	Haberman	Lynch	Wesely	

Present and not voting, 21:

Ashford	Cudaback	Hudkins	Matzke	Rasmussen
Avery	Day	Jones	McKenzie	Robinson
Beutler	Fisher	Kristensen	Pirsch	Schellpeper
Bohlke	Hall	Lindsay	Preister	Warner
Byars				

Excused and not voting, 5:

Abboud Moore Robak Wehrbein Will

The Dierks amendment lost with 9 ayes, 14 nays, 21 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

Mr. Monen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 833A. Mr. Wickersham offered the following amendment:
AM4525

1. Insert the following new section:
"Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".
2. On page 1, line 3, after "1994" insert "; and to declare an emergency".
3. On page 2, line 1, strike "$132,692" and insert "$3,528 from the Expense Fund, $36 from the Judges Expense Fund, and $36 from the State Patrol Expense Fund for FY1993-94, (2) $129,164"; in line 2 strike both occurrences of "$1,354" and insert "$1,318"; and in line 3 strike "and (2)" and insert ", and (3)".

The Wickersham amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1061. E & R amendment, AM5741, found in the Journal on page 1849, was adopted.

Mr. Bernard-Stevens withdrew his amendment, AM3719, found in the Journal on page 1179.

Mr. Kristensen offered the following amendment:
AM4459

(Amendments to Standing Committee amendments, AM2872)
1. On page 17, after line 11, insert the following new subsection:
(5)(a) Part 395 -- Hours Of Service Of Drivers, of the federal Motor Carrier Safety Regulations, 49 C.F.R., adopted in subsection (1) of this section, shall not apply to the driver of any motor vehicle requiring a Class B or C

commercial driver's license engaged in the private transportation of persons or property in intrastate commerce.

(b) This subsection shall terminate on April 1, 1995.".

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The Kristensen amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

Mr. Robinson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1061A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 886. E & R amendment, AM5739, found in the Journal on page 1850, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 886A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1118. E & R amendment, AM5744, found in the Journal on page 1850, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1175. E & R amendment, AM5746, found in the Journal on page 1850, was adopted.

Mrs. Hillman offered the following amendment:
AM4473

1. Insert the following new sections:

"Section 1. That section 77-27,142.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-27,142.03. (1) Whenever, at least forty-five days prior to any city, county, or state election, the qualified electors of any municipality, equal in number to ten percent of the votes cast at the last preceding municipal election, shall petition the governing body to submit such question, it shall be the duty of the governing body to submit the question at the next primary, general, or special election.

(2) The question of imposing a sales and use tax which has been submitted to the electors and failed shall not

be submitted to the electors of an incorporated municipality ~~more often than once every~~ again until twenty-three months after such failure.

Sec. 2. That original section 77-27,142.03, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

MR. MOORE PRESIDING

The Hillman amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1210. E & R amendment, AM5743, printed separately from the Journal and referred to on page 1863, was adopted.

Mr. Wesely offered the following amendment:
AM4530

(Amendments to E & R amendments, AM5743)

1. Insert the following new section:

"Sec. 178. That section 115, Legislative Bill 1223, Ninety-third Legislature, Second Session, 1994, be amended to read as follows:

Sec. 115. (1) The department shall grant or deny an application for a certificate of public advantage within ninety days after the date of filing of the application, not including days the application is deemed to be incomplete. The decision shall be in writing and set forth the basis for the decision. The department shall furnish a copy of the decision to the applicants, the Attorney General, and any intervenor.

(2) If the department grants the application, the parties shall have forty-five days after the date of receipt of the department's decision to submit an executed written copy of the cooperative agreement which shall be in accordance with the terms and conditions set out in the letter of intent and the application. The department shall review the executed written copy of the cooperative agreement and, if it is in accordance with the terms and conditions set out in the letter of intent and the application, the department shall issue a certificate of public advantage for the cooperative agreement.

(3) If the applicants desire to contest the denial or the intervenors desire to contest the granting of an application, they shall, within ten days after receipt of the notice of denial or within ten days after the granting of an application, send a written request to the department for a hearing under sections 84-913 and 84-915.

(4) A denial or granting by the department of an application or a termination of a certificate of public

advantage under section 117 of this act may be appealed. The appeal shall be in accordance with the Administrative Procedure Act.".

2. On page 96, line 15, strike the new matter and reinstate the stricken matter and after "of" insert "one hundred".

3. Correct the operative date provision and repealer so that the section added by this amendment becomes operative on its effective date with the emergency clause.

4. Renumber the remaining sections and correct internal references accordingly.

The Wesely amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Mrs. McKenzie renewed her pending amendment, AM4480, on file in the Clerk's Office and referred to in the Journal on page 1910.

The McKenzie amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Mr. Fisher asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for engrossment.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 1210A. Mrs. McKenzie offered the following amendment:
AM4528

1. On page 2, line 1, strike "$134,265" and insert "$8,000 from the Department of Health Cash Fund for FY1994-95 and (2) $139,265".

The McKenzie amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1241. E & R amendment, AM5745, found in the Journal on page 1863, was adopted.

Advanced to E & R for engrossment.

MESSAGES FROM THE GOVERNOR

April 12, 1994

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 647 was received in my office on April 6, 1994; Engrossed Legislative Bills 1045, 1311, 1006, 1006A, 1194, 1211, 1211A, 971, 971A, and 665 were received on April 7, 1994; Engrossed Legislative Bills 942, 1106, and 913 were received on April 8, 1994.

These bills were signed by me on April 12, 1994, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 12, 1994

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

I am returning LB 1106A without my signature and with my objections.

The bill requires the expenditure of general funds to increase the number of clerks for the Court of Appeals by one. Included in the bill is funding for the purchase of office equipment and other expenses associated with the hiring of additional staff. This will increase the state general fund expenditures by a total of $45,541 annually.

Currently, the cases regarding juveniles are appealed to the Court of Appeals or to the District Court. LB 1106 will provide a consistent system to dispose of appeals relating to juveniles in Nebraska. This is sound public policy which I support.

The number of additional appeals cannot be accurately determined at this point. Requesting additional staff at this juncture is premature. To have a more realistic estimate of the expanded workload, I recommend the Court review the next year's increase in appeals and determine staff needs once a baseline has been established.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:kmv

VISITORS

Visitors to the Chamber were 57 fourth grade students and teachers from Central Elementary School, Plattsmouth; four seventh and eighth grade students and sponsor from Christ Lutheran School, Grand Island; and Terry, Mary, Patrick, Kathleen, and Theresa Sullivan.

RECESS

At 11:50 a.m., on a motion by Speaker Withem, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Avery, Byars, Dierks, Landis, Monen, Moore, Pedersen, Schmitt, Mmes. Bohlke, Rasmussen, and Ms. Day who were excused until they arrive.

MR. LINDSAY PRESIDING

UNANIMOUS CONSENT - Members Excused

Messrs. Janssen and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Return LR 29CA to Select File

Mr. Withem moved to return LR 29CA to Select File for his specific amendment, AM4166, found in the Journal on page 1557.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The Withem motion to return prevailed with 32 ayes, 4 nays, 10 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE RESOLUTION 29CA. The Withem specific amendment, AM4166, found in the Journal on page 1557, was adopted with 35 ayes, 6 nays, 5 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Byars asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 1275 to Select File

Mr. Beutler moved to return LB 1275 to Select File for his specific amendment, AM4167, found in the Journal on page 1552.

The Beutler motion to return prevailed with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1275. The Beutler specific amendment, AM4167, found in the Journal on page 1552, was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Overrule Speaker's Agenda

Mr. Preister moved per Rule 1, Section 16(A), to overrule the Speaker's Agenda to permit further consideration of LB 1275.

Mr. Preister requested a roll call vote on his motion to overrule the Speaker's Agenda.

Voting in the affirmative, 23:

Bohlke	Day	Landis	Pirsch	Schellpeper
Bromm	Dierks	Lynch	Preister	Schimek
Chambers	Hartnett	Matzke	Robak	Vrtiska
Crosby	Hillman	Monen	Robinson	Witek
Cudaback	Janssen	Pedersen		

Voting in the negative, 14:

Ashford	Engel	Hudkins	McKenzie	Wesely
Bernard-Stevens	Haberman	Kristensen	Moore	Will
	Hall	Lindsay	Warner	Withem

Present and not voting, 9:

Avery	Coordsen	Fisher	Rasmussen	Wickersham
Beutler	Elmer	Jones	Wehrbein	

Excused and not voting, 3:

Abboud	Byars	Schmitt

The Preister motion to overrule the Speaker's Agenda lost with 23 ayes, 14 nays, 9 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 961. The Chambers pending amendment, FA563, found in the Journal on page 1912, to his pending amendment, FA561, found in the Journal on page 1909, was renewed.

PRESIDENT ROBAK PRESIDING

Messrs. Engel, Kristensen, and Bernard-Stevens asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

The Chambers amendment lost with 7 ayes, 26 nays, 11 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mmes. Robak, McKenzie, Messrs. Hall, Robinson, Matzke, Landis, Lynch, and Moore asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers pending amendment, FA561, found in the Journal on page 1909, was renewed.

The Chambers amendment lost with 3 ayes, 14 nays, 21 present and not voting, and 11 excused and not voting.

Pending.

UNANIMOUS CONSENT - Member Excused

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills and resolution were correctly engrossed: LB 72, LB 885A, LB 901, LB 1022, and LR 277CA.

(Signed) Janis M. McKenzie, Chairperson

STANDING COMMITTEE REPORTS
Education

The Committee on Education desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Educational Telecommunications Commission
Keith Blackledge
John W. White, Jr.

VOTE: Aye: Senators Bohlke, McKenzie, Monen, Janssen, Wickersham, and Warner. Nay: None. Absent: Senators Beutler and Rasmussen.

(Signed) Ardyce Bohlke, Chairperson

Transportation

The Committee on Transportation desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Michael O. Fleming - Motor Vehicle Industry Licensing Board
Gary Warren - Commission on Information Technology
Alvin Abramson - Director, Department of Motor Vehicles
Sharon D. Jackson - Board of Public Roads Classification and Standards

VOTE: Aye: Senators Day, Fisher, Kristensen, Pedersen, and Schmitt. Nay: None. Absent: Senators Byars, Matzke, and Pirsch.

(Signed) Doug Kristensen, Chairperson

Health and Human Services

The Committee on Health and Human Services desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Rural Health Advisory Commission
Irene Fiesterman
Janet Fletcher

VOTE: Aye: Senators Byars, Day, Dierks, Matzke, Rasmussen, Vrtiska, and Wesely. Nay: None. Absent: None.

(Signed) Don Wesely, Chairperson

SELECT FILE

LEGISLATIVE BILL 961. Mr. Chambers offered the following amendment:
FA566
(2) Page 3, line 11, strike the "." and insert, "in any county where a majority of those voting, approve such exemption at a regular or special election."

Messrs. Wesely and Preister asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?"

Mr. Wehrbein moved for a call of the house. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chair declared the call raised.

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Mr. Chambers offered the following amendment:
FA567
(3) Page 3, line 19, strike the "." and insert, "in any county where a majority of those voting, approve such exemption at a general or special election."

Mr. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to his pending amendment:
FA568
Amend FA567
Strike "a general or special election" and insert:
"the next general election following the effective date of this act."

MR. DIERKS PRESIDING

SPEAKER WITHEM PRESIDING

Mr. Avery asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 6 ayes, 0 nays, and 43 not voting.

The Chambers amendment lost with 6 ayes, 28 nays, 6 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment to his pending amendment:
FA569
Amendment FA567 - strike all provisions and insert: "Page 3, lines 18-19, strike all language and show as stricken."

Messrs. Abboud, Moore, Mmes. Bohlke, McKenzie, and Rasmussen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The Chambers amendment lost with 4 ayes, 23 nays, 14 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

The Chambers pending amendment, FA567, found in this day's Journal, was renewed.

Messrs. Lynch and Bernard-Stevens asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment lost with 2 ayes, 18 nays, 19 present and not voting, and 10 excused and not voting.

Pending.

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE RESOLUTION 349. Reported to the Legislature for further consideration with the following amendment:
AM4539

1. Strike the original resolution and insert the following new resolution:

"WHEREAS, the protection of the public health and welfare is the primary concern of public water supply systems; and

WHEREAS, the ability of public water supply systems to protect the health and welfare of its citizenry has been greatly reduced by unfunded federal mandates contained in the Safe Drinking Water Act; and

WHEREAS, public water supply systems cannot afford to commit limited resources on federal mandates which provide little or no benefit to public health, but must rather be permitted to focus their resources on protections which ensure the highest safety for public health; and

WHEREAS, several proposals currently before Congress would amend the Safe Drinking Water Act to allow public water supply systems greater ability to effectively protect the public health and welfare by ensuring that limited public resources can be sensibly focused on the most serious risks presented by contaminants in drinking water.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature urges Congress to amend the Safe Drinking Water Act in such a manner as will permit public water supply systems to focus their resources on issues which threaten public health and which will provide flexibility in meeting the real health needs of its citizenry.

2. That the Clerk of the Legislature transmit a copy of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, all members of the congressional delegation from the State of Nebraska, the Administrator of the United States Environmental Protection Agency and the Regional Administrator, Region VII of the United States Environmental Protection Agency.".

(Signed) Chris Beutler, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 1087.

Enrollment and Review Change to LB 1087

The following changes, required to be reported for publication in the Journal, have been made:
ER7482

1. On page 1, line 1, "section 77-27,142, Reissue Revised Statutes of Nebraska, 1943, and" has been inserted after "amend"; and in line 4 "to authorize a city of the metropolitan class to increase the city sales and use tax as prescribed;" has been inserted after the first semicolon.

(Signed) Janis M. McKenzie, Chairperson

STANDING COMMITTEE REPORT
Business and Labor

The Committee on Business and Labor desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

David J. Cullan - Commission of Industrial Relations
Thomas H. Delay - Commission of Industrial Relations

VOTE: Aye: Senators Abboud, Bromm, Chambers, Dierks, Preister, Schimek, and Vrtiska. Absent: None.

(Signed) Chris Abboud, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LR 293CA in the Journal. No objections. So ordered.

AM4538

1. Strike sections 1 and 2 and insert the following new sections:

"Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article III, section 24:

III-24 '(1) ~~Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.~~ The Legislature may authorize and regulate gaming in Nebraska as provided in this section.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for other purposes as directed by the Legislature. No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) ~~Nothing in this section shall be construed to prohibit (a) the enactment of~~ The Legislature may enact (a) laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees ~~within a licensed racetrack enclosure or~~ at such locations and by such means as are authorized by the Legislature, (b) ~~the enactment of~~ laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis, and (c) laws providing for the licensing and regulation of sports betting. The proceeds of sports betting shall be appropriated for state purposes as directed by the Legislature.

(5) In addition to other permitted gaming activity, the Legislature may authorize (a) organizations which are actively conducting parimutuel wagering on thoroughbred horseraces within the confines of the premises where such horseraces are actually conducted, (b) nonprofit or charitable organizations otherwise authorized to conduct other gaming activity, and (c) counties, cities, and villages to conduct lotteries utilizing player interactive audio or video technology and may apportion such authority among such

organizations and among such counties, cities, and villages. The Legislature is authorized to reasonably tax and regulate such gaming activity which may be conducted only by licensees authorized to conduct thoroughbred horseracing or to operate lottery activity on behalf of counties, cities, and villages and only on such premises where such licensees are authorized to conduct such horseracing or operate such lottery activity. One-half of the proceeds of gaming activity authorized pursuant to this subsection shall be used by such organizations, counties, cities, and villages solely for charitable purposes, community betterment, civic activities, tax relief, or promotion of agriculture and animal husbandry, and the remaining one-half of the proceeds shall be appropriated for state purposes as directed by the Legislature.'.

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

'A constitutional amendment to authorize the Legislature to authorize and regulate sports betting, to remove the restriction that wagering on the result of horseraces be conducted within a licensed racetrack enclosure and authorize such wagering to be conducted at such locations and by such means as are authorized by the Legislature, and to allow the Legislature to authorize lotteries using interactive audio or video technology on otherwise licensed premises.

For

Against'.".

MESSAGE FROM THE GOVERNOR

April 12, 1994

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

I am returning LB 314 without my signature and with my objections.

LB 314 repeals the 15% contribution from various cash funds to the General Fund over a period of time. Although this bill is not without merit, it would result in a major reduction in General Fund revenues next biennium. With the predicted state budget shortfall, the revenue

from these funds are needed and the proposed policy change in LB 314 is not affordable at this time.

Over the next year I will consider this proposal further and work with the sponsor and other members of the Legislature in coordination with the biennial budget recommendations.

Thus, the budget outlook for the next biennium prohibits enactment of this bill at this time.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:eb

SELECT FILE

LEGISLATIVE BILL 961. Mr. Chambers offered the following amendment:
FA570
(4) Page 3, line 23, strike the "." and insert, "in any county where a majority of those voting, approve such exemption at a regular or special election."

MRS. CROSBY PRESIDING

Mr. Chambers offered the following amendment to his pending amendment:
FA571
Amend Amendment FA570 -
Strike all provisions and insert: "Strike "Livestock shall be exempt from personal property tax."

Messrs. Schellpeper and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

PRESIDENT ROBAK PRESIDING

Mr. Chambers withdrew his amendment, FA571.

Mr. Chambers withdrew his amendment, FA570.

Mr. Lindsay withdrew his amendment, FA560, found in the Journal on page 1911.

Mr. Lindsay asked unanimous consent to replace his pending amendment, FA562, found in the Journal on page 1911, with a substitute amendment. No objections. So ordered.

Mr. Lindsay withdrew his amendment, FA562, found in the Journal on page 1911.

Mr. Will offered the following substitute amendment:
AM4518

(Amendments to E & R amendments, AM5712)

1. Insert the following new sections:

"Section 1. That section 9-239, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

9-239. (1) The department shall collect a state tax of six percent on the gross receipts received from the conducting of bingo within the state. Such tax shall be remitted to the department. The department shall remit such tax to the State Treasurer for credit ~~and credited~~ to the Charitable Gaming Operations Fund. The tax shall be remitted quarterly, not later than thirty days from the close of the preceding quarter, together with any other reports as may be required by the department.

(2) ~~Any city or village is hereby directed to impose a tax of two percent on the gross receipts received from the conducting of bingo within such city or village. Where bingo is conducted on an excursion or dinner train or outside the limits of any incorporated city or village, the county in which such bingo is conducted shall impose a tax of two percent on the gross receipts from the conducting of bingo on an excursion or dinner train or outside the corporate limits of such city or village. Such tax shall be credited to the general fund of the county, city, or village which issued a permit for the conducting of bingo pursuant to section 9-236. Such tax shall be remitted to the clerk of the political subdivision imposing the tax, and the clerk shall remit the tax to the treasurer of such subdivision. The tax shall be remitted quarterly, not later than thirty days from the close of the preceding quarter, together with such reports as may be required by the political subdivision imposing the tax. The proceeds from the tax shall be used to pay for the costs of regulation and enforcement of the Nebraska Bingo Act.~~

~~(3) Unless otherwise provided in the act, no~~ No occupation tax on any receipts derived from the conduct of bingo shall be levied, assessed, or collected from any licensee under the ~~act~~ Nebraska Bingo Act by any county, township, district, city, village, or other governmental subdivision or body having power to levy, assess, or collect such tax.

Sec. 5. That original section 9-239, Reissue

Revised Statutes of Nebraska, 1943, and also sections 9-236, 9-237, 9-252, and 9-433, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. On page 2, line 25, strike "This" and insert "Sections 2 and 4 of this"; and in line 26 after the period insert "The other sections of this act shall become operative on their effective date.".

3. Renumber the remaining sections accordingly.

Mrs. Crosby requested a ruling of the Chair on whether the Will amendment is germane to the bill.

The Chair ruled the Will amendment is not germane to the bill.

Mr. Will challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Will moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Will requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 17:

Abboud	Day	Hartnett	Preister	Robinson
Bernard-Stevens	Dierks	Janssen	Rasmussen	Wesely
Coordsen	Engel	Lynch	Robak	Will
	Hall	Monen		

Voting in the negative, 18:

Avery	Cudaback	Jones	Pirsch	Warner
Bromm	Elmer	Kristensen	Schimek	Wehrbein
Byars	Fisher	Matzke	Vrtiska	Witek
Crosby	Hudkins	Moore		

Present and not voting, 11:

Ashford	Chambers	Lindsay	Pedersen	Wickersham
Beutler	Hillman	McKenzie	Schmitt	Withem
Bohlke				

Excused and not voting, 3:

Haberman	Landis	Schellpeper

The Will motion to overrule the Chair lost with 17 ayes, 18 nays, 11 present and not voting, and 3 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Mr. Beutler offered the following amendment:
AM4382

(Amendments to E & R amendments, AM5712)

1. Insert the following new section:

"Sec. 4. That sections 77-2704.36 and 77-2704.37, Revised Statutes Supplement, 1993, are repealed.".

2. On page 2, line 25, strike "This" and insert "Section 4 of this act shall become operative on January 1, 1997. The other sections of this".

Mr. Beutler asked unanimous consent to replace his pending amendment, AM4382, with a substitute amendment. No objections. So ordered.

Mr. Beutler withdrew his amendment, AM4382.

Messrs. Ashford, Lindsay, Chambers, Coordsen, Wehrbein, Beutler, Bernard-Stevens, Moore, and Mrs. McKenzie offered the following substitute amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM4541.)

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 508. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Byars, 30; Day, 19; Dierks, 40; Matzke, 47; Rasmussen, 20; Vrtiska, 1; and Will, 8; Hall, 7.

PURPOSE: The purpose of this resolution is to continue the study of the role of county government in providing human services to the people of Nebraska. Currently, counties have some funding responsibility for developmental disabilities services, substance abuse services, mental health services, aging services, and substance abuse services, as well as total fiscal responsibility for indigent medical care services and general assistance services. Significant state funds and some federal funds are provided for developmental disabilities services, mental health services, aging services, and substance abuse services, but the management of these programs is primarily by the counties or the regions they serve. Indigent medical care services and general assistance services are totally county funded and administered.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature and the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following resolution was correctly reengrossed: 29CA.

Correctly Engrossed

The following bills were correctly engrossed: 1175, 1241, 1349, 1349A, and 1354.

Enrollment and Review Change to LB 1175

The following changes, required to be reported for publication in the Journal, have been made:
ER7486

1. In the Hillman amendment, AM4473, section 2 has been struck and section 1 has been renumbered as section 3.

2. In the E & R amendment, AM5746, on page 1, line 7, "to change provisions relating to submission of a city sales and use tax question to voters;" has been inserted after the semicolon.

3. On page 1, line 1, "section 77-27,142.03, Reissue Revised Statutes of Nebraska, 1943, and" has been inserted after "amend".

4. On page 6, line 9, "section 77-27,142.03, Reissue Revised Statutes of Nebraska, 1943, and" has been inserted after "original".

5. The remaining section has been renumbered accordingly.

Enrollment and Review Change to LB 1349

The following changes, required to be reported for publication in the Journal, have been made:
ER7483

1. In the E & R amendments, AM5737, on page 1, the matter beginning with "section" in line 5 through the semicolon in line 9 has been struck and "sections 66-1518, 66-1525, and 81-15,113.01, Revised Statutes Supplement, 1993; to adopt the Remedial Action Plan Monitoring Act;" inserted; and in line 13 "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 1354

The following changes, required to be reported for publication in the Journal, have been made:
ER7484

1. In the E & R amendment, AM5738, on page 6, line 4, "is" has been struck and "are" inserted.

2. On page 1, the matter beginning with "section" in line 1 through line 8 has been struck and "sections 2-1207.01 and 2-1208.04, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the use and distribution of a fund; and to repeal the original sections." has been inserted.

(Signed) Janis M. McKenzie, Chairperson

SELECT FILE

LEGISLATIVE BILL 961. Mr. Robinson offered the following amendment to the Ashford et al. pending amendment, AM4541:
FA573

Amend AM4541 on page 7, strike lines 3 through 5

Mr. Lindsay moved for a call of the house. The motion prevailed with 15 ayes, 2 nays, and 32 not voting.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 3 nays, and 16 not voting.

Mr. Robinson requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Bohlke	Elmer	Janssen	Pedersen	Vrtiska
Bromm	Engel	Jones	Pirsch	Warner
Byars	Fisher	Kristensen	Robinson	Wehrbein
Coordsen	Hillman	Matzke	Schellpeper	Wickersham
Crosby	Hudkins	McKenzie	Schimek	Witek
Dierks				

Voting in the negative, 16:

Ashford	Beutler	Hall	Monen	Wesely
Avery	Chambers	Hartnett	Rasmussen	Will
Bernard-Stevens	Cudaback	Lynch	Robak	Withem
	Day			

Present and not voting, 5:

Abboud	Lindsay	Moore	Preister	Schmitt

Excused and not voting, 2:

Haberman	Landis

The Robinson amendment was adopted with 26 ayes, 16 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The Ashford et al. pending amendment, AM4541, as amended, was renewed.

MRS. CROSBY PRESIDING

PRESIDENT ROBAK PRESIDING

Mr. Hall moved to bracket LB 961 until April 16, 1994.

Mr. Hall withdrew his motion to bracket.

Ms. Schimek offered the following amendment to the Ashford et al. pending amendment, AM4541:
FA574
Amend AM4541:
Strike Sec. 8 beginning on pg. 9 and ending on page 16.
Strike Sec. 9 beginning on pg. 16 and ending on page 16.
Strike Sec. 10 beginning on page 16 and ending on page 17.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?"

Mr. Hall moved for a call of the house. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

Ms. Schimek requested a roll call vote on the motion to cease debate.

Mr. Wehrbein requested the roll call vote be taken in reverse order.

Voting in the affirmative, 31:

Abboud	Beutler	Elmer	Jones	Moore
Ashford	Byars	Engel	Lindsay	Pedersen
Avery	Cudaback	Fisher	Matzke	Pirsch
Bernard-Stevens	Day	Hall	McKenzie	Rasmussen
	Dierks	Hartnett	Monen	Robak

Robinson	Schmitt	Wehrbein	Witek	Withem
Schellpeper	Warner			

Voting in the negative, 9:

Bohlke	Crosby	Janssen	Schimek	Wesely
Bromm	Hudkins	Kristensen	Vrtiska	

Present and not voting, 7:

Chambers	Hillman	Preister	Wickersham	Will
Coordsen	Lynch			

Excused and not voting, 2:

Haberman Landis

The motion to cease debate prevailed with 31 ayes, 9 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The Schimek amendment lost with 7 ayes, 26 nays, 14 present and not voting, and 2 excused and not voting.

Mr. Lindsay offered the following amendment to the Ashford et al. pending amendment:
FA575
Amend AM4541
On page 13, after line 25 insert
(g) Seventh, the State Treasurer shall place four million one hundred eighty-nine thousand two hundred forty-two dollars in the Secure Youth Confinement Facility Fund, which fund is hereby created, for fiscal years 1995-96 and 1996-97. The Legislature shall appropriate amounts credited to the fund pursuant to this section to the Department of Correctional Services to finance construction of a secure youth confinement facility;
On line 26, strike "(g) Seventh" and insert "(h) Eighth" and on page 14, line 4 strike beginning with "as" through "provide" in line 5 and insert the following "beginning July 1, 1995, made only to the Building Renewal Allocation Fund
Page 14, line 6, strike "(h) Eighth" and insert "(i) Ninth"
Page 15, line 1, after "Fund" insert ", and the Secure Youth Confinement Facility Fund"
Page 15, line 27, after "Fund" insert ", and the Secure Youth Confinement Facility Fund"

Mr. Lindsay asked unanimous consent to replace his pending amendment, FA575, with a substitute amendment. No objections. So ordered.

Mr. Lindsay withdrew his amendment, FA575.

Mr. Lindsay offered the following substitute amendment to the Ashford et al. pending amendment:
AM4555

(Amendments to AM4541)

1. Strike section 8 and insert the following new section:

"Sec. 8. That section 77-2602, Revised Statutes Supplement, 1993, be amended to read as follows:

77-2602. (1) Every person engaged in distributing or selling cigarettes at wholesale in this state shall pay to the Tax Commissioner of this state a special privilege tax. This shall be in addition to all other taxes. It shall be paid prior to or at the time of the sale, gift, or delivery to the retail dealer in the several amounts as follows: On each package of cigarettes containing not more than twenty cigarettes, thirty-four cents per package; and on packages containing more than twenty cigarettes, the same tax as provided on packages containing not more than twenty cigarettes for the first twenty cigarettes in each package and a tax of one-twentieth of the tax on the first twenty cigarettes on each cigarette in excess of twenty cigarettes in each package. Commencing July 1, 1993, and continuing until July 1, 1994, the State Treasurer shall place the equivalent of twenty-one cents of such tax less three million seven hundred fifty thousand dollars in the General Fund. Commencing July 1, 1994, and continuing until July 1, 2009, the State Treasurer shall place the equivalent of twenty-one cents of such tax less three million dollars each fiscal year of proceeds of such tax in the General Fund. Commencing July 1, 2009, the State Treasurer shall place the equivalent of twenty-one cents of such tax in the General Fund. For purposes of this section, the equivalent of a specified number of cents of the tax shall mean that portion of the proceeds of the tax equal to the specified number divided by thirty-four. The State Treasurer shall distribute the remaining proceeds of such tax in the following order:

(a) First, beginning July 1, 1980, the State Treasurer shall place the equivalent of one cent of such tax in the Nebraska Outdoor Recreation Development Cash Fund;

(b) Second, beginning July 1, 1993, the State Treasurer shall place the equivalent of three cents of such tax in the Department of Health Cash Fund to carry out sections 81-637 to 81-640;

(c) Third, the State Treasurer shall place in the University Buildings Renovation and Land Acquisition Fund the sum of one million seven hundred sixty-five thousand one hundred fifty-three dollars and in the State College Buildings Renovation and Land Acquisition Fund the sum of three hundred sixty-one thousand two hundred twenty-two dollars each year for fiscal year 1984-85 through fiscal year 1993-94. Such amounts are hereby appropriated and the unexpended balances existing in such funds at the end of each fiscal year or biennium through June 30, 1994, are hereby reappropriated. The money in such funds shall be used for payment of the costs of building repair, remodeling, and renovation projects and equipment and land acquisition projects of the University of Nebraska and the Nebraska state colleges authorized by sections 85-1,111, 85-1,112, 85-322, and 85-323;

(d) Fourth, beginning July 1, 1988, the State Treasurer shall place the equivalent of one-half cent of such tax, but in any event not less than six hundred ninety-five thousand one hundred seventy-eight dollars, in the University Facility Improvement Fund and shall place the equivalent of one and one-half cents of such tax, but in any event not less than one million eight hundred fifty-seven thousand two hundred thirteen dollars, in the State College Facilities Improvement Fund for each fiscal year to carry out sections 85-1,116, 85-1,117, 85-324, and 85-325. The Legislature shall appropriate the sum of six hundred ninety-five thousand one hundred seventy-eight dollars each year for fiscal year 1988-89 through fiscal year ~~1997-98~~ 1995-96 or until all financial obligations incurred in the contracts entered into by the Board of Regents pursuant to section 85-1,117 are discharged, whichever occurs first. The Legislature shall appropriate the sum of one million eight hundred fifty-seven thousand two hundred thirteen dollars each year for fiscal year 1988-89 through fiscal year ~~1997-98~~ 1995-96 or until all financial obligations incurred in the contracts entered into by the Board of Trustees of the Nebraska State Colleges pursuant to section 85-325 are discharged, whichever occurs first. The State Treasurer shall transfer the unexpended balance existing in the University Facility Improvement Fund and the State College Facilities Improvement Fund on June 15 of each year to the General Fund;

(e) Fifth, the State Treasurer shall place two million eight hundred six thousand two hundred seventy dollars in the University Facilities Fund and one million two hundred five thousand ninety-eight dollars in the State College Facility Fund each fiscal year for fiscal year 1993-94 through fiscal year 1996-97 to carry out sections 85-1,113, 85-1,114, 85-326, and 85-327. The Legislature shall appropriate the sum of two million eight hundred six thousand two hundred seventy

dollars from the University Facilities Fund to the Board of Regents of the University of Nebraska each year for fiscal year 1993-94 through fiscal year 1996-97 or until all financial obligations incurred in contracts entered into by the board pursuant to section 85-1,114 are discharged, whichever occurs first. The Legislature shall appropriate the sum of one million two hundred five thousand ninety-eight dollars from the State College Facility Fund to the Board of Trustees of the Nebraska State Colleges each year for fiscal year 1993-94 through fiscal year 1996-97 or until all financial obligations incurred in contracts entered into by the board pursuant to section 85-327 are discharged, whichever occurs first. The State Treasurer shall transfer any unobligated balance existing in the University Facilities Fund and the State College Facility Fund to the General Fund on June 15 of each year;

(f) Sixth, beginning July 1, 1995, the State Treasurer shall place the equivalent of two cents of such tax in the City of Omaha Public Events Facilities Fund for each fiscal year through fiscal year 2000-01. The Legislature shall appropriate all sums inuring to the fund to the city of Omaha upon evidence that any amounts so appropriated are matched with funds derived from sources other than state funds in amounts equivalent to one dollar for every two dollars appropriated;

(g) Seventh, the State Treasurer shall place four million one hundred eighty-nine thousand two hundred forty-two dollars in the Secure Youth Confinement Facility Fund, which fund is hereby created, for fiscal years 1995-96 and 1996-97. The Legislature shall appropriate amounts credited to the fund pursuant to this section to the Department of Correctional Services to finance construction of a secure youth confinement facility;

(h) Eighth, the State Treasurer shall place the difference between the equivalent of ~~eleven~~ thirteen cents of such tax and the sum of the amounts distributed pursuant to subdivisions (a) through ~~(e)~~ (g) of this subsection in a special fund to be known as the Nebraska Capital Construction Fund, and disbursements from such fund shall be, beginning July 1, 1995, ~~as the Legislature shall from time to time provide~~ made only to the Building Renewal Allocation Fund; and

~~(g) Seventh,~~ (i) Ninth, beginning July 1, 1993, and continuing until January 1, 1994, the State Treasurer shall place in the Municipal Infrastructure Redevelopment Fund the sum of two million two hundred fifty thousand dollars to carry out the Municipal Infrastructure Redevelopment Fund Act. Beginning January 1, 1994, and continuing until July 1, 1994, the State Treasurer shall place in the fund the sum of one million five hundred thousand dollars to carry out the act.

Beginning July 1, 1994, and continuing until July 1, 2009, the State Treasurer shall place in the fund the sum of three million dollars each fiscal year to carry out the act. The Legislature shall appropriate the sum of three million seven hundred fifty thousand dollars for fiscal year 1993-94. The Legislature shall appropriate the sum of three million dollars each year for fiscal year 1994-95 through fiscal year 2008-09.

(2) The Legislature hereby finds and determines that the projects funded from the University Buildings Renovation and Land Acquisition Fund, the State College Buildings Renovation and Land Acquisition Fund, the University Facility Improvement Fund, the State College Facilities Improvement Fund, the University Facilities Fund, the State College Facility Fund, ~~and~~ the Municipal Infrastructure Redevelopment Fund, the City of Omaha Public Events Facilities Fund, and the Secure Youth Confinement Facility Fund are of critical importance to the State of Nebraska. It is the intent of the Legislature that the allocations and appropriations made by the Legislature to such funds or, in the case of allocations for the Municipal Infrastructure Redevelopment Fund, to the particular municipality's account not be reduced until all contracts and securities relating to the construction and financing of the projects or portions of the projects funded from such funds or accounts of such funds are completed or paid or, in the case of the Municipal Infrastructure Redevelopment Fund, the earlier of such date or July 1, 2009, and that until such time any reductions in the cigarette tax rate made by the Legislature shall be simultaneously accompanied by equivalent reductions in the amount dedicated to the General Fund from cigarette tax revenue. Any provision made by the Legislature for distribution of the proceeds of the cigarette tax for projects or programs other than those to (a) the General Fund, (b) the Nebraska Outdoor Recreation Development Cash Fund, (c) the Department of Health Cash Fund, (d) the University Buildings Renovation and Land Acquisition Fund and the State College Buildings Renovation and Land Acquisition Fund, (e) the University Facility Improvement Fund and the State College Facilities Improvement Fund, (f) the University Facilities Fund and the State College Facility Fund, ~~and~~ (g) the Municipal Infrastructure Redevelopment Fund, (h) the City of Omaha Public Events Facilities Fund, and (i) the Secure Youth Confinement Facility Fund shall not be made a higher priority than or an equal priority to any of the programs or projects specified in subdivisions (a) through ~~(g)~~ (i) of this subsection.".

Mr. Coordsen moved to invoke cloture on LB 961.

Mr. Coordsen moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The Lindsay amendment was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

The Ashford et al. amendment, as amended, was adopted with 37 ayes, 5 nays, 6 present and not voting, and 1 excused and not voting.

The Coordsen motion for cloture prevailed with 35 ayes, 5 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment with 36 ayes, 8 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 886, 886A, and 1118.

(Signed) Janis M. McKenzie, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LB 1015 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM4550.)

MOTION - Adjournment

Mr. Withem moved to adjourn until 9:00 a.m., Wednesday, April 13, 1994. The motion lost with 6 ayes, 29 nays, 13 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 915 to Select File

Mr. Schellpeper moved to return LB 915 to Select File for the following specific amendment:
FA576

Strike the enacting clause.

Mr. Schellpeper withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 915. With Emergency.

A BILL FOR AN ACT relating to public power districts; to amend sections 70-624 and 70-625, Reissue Revised Statutes of Nebraska, 1943; to provide duties for the chief executive officer relating to the publication of salaries; to provide a penalty; to change provisions relating to satellite television sales, leases, and services; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Coordsen	Hillman	Moore	Vrtiska
Ashford	Crosby	Hudkins	Pedersen	Warner
Avery	Cudaback	Jones	Pirsch	Wehrbein
Bernard-Stevens	Dierks	Kristensen	Preister	Wesely
	Elmer	Landis	Rasmussen	Wickersham
Beutler	Engel	Lindsay	Robinson	Will
Bohlke	Fisher	Lynch	Schellpeper	Witek
Bromm	Hall	Matzke	Schimek	Withem
Byars	Hartnett	Monen	Schmitt	

Voting in the negative, 2:

Janssen Robak

Present and not voting, 2:

Day McKenzie

Excused and not voting, 2:

Chambers Haberman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1160. With Emergency.

A BILL FOR AN ACT relating to fuel tax; to amend sections 39-2216, 66-1510, and 87-411, Reissue Revised Statutes of Nebraska, 1943, sections 3-149, 39-2215, 39-2215.01, 66-483, 66-484, 66-485, 66-486, 66-487, 66-488, 66-489, 66-491, 66-492, 66-496, 66-4,104, 66-4,105, 66-4,106, 66-4,107, 66-4,108, 66-4,109, 66-4,110, 66-4,111, 66-4,112, 66-4,113, 66-4,122, 66-4,131, 66-4,132, 66-4,140, 66-4,141, 66-4,143, 66-4,144, 66-4,145, 66-4,146, 66-4,147, 66-633, 66-713, 66-715, 66-716, 66-717, 66-726, 66-731, 66-733, 66-734, 66-735, 66-736, 66-737, 66-738, 66-739, 66-1216, 66-1414, 66-1501, 66-1503, 66-1521, and 77-381, Revised Statutes Supplement, 1992, and sections 52-1401, 60-302, 60-312, 66-482, 66-490, 66-493, 66-4,142, 66-501, 66-502, 66-503, 66-505, 66-512, 66-712, 66-720, 66-727, 66-740, 66-1345, and 77-2704.05, Revised Statutes Supplement, 1993; to adopt the Diesel Fuel Tax Act and Alternative Fuel Tax Act; to define and redefine terms; to change provisions relating to motor vehicle fuel; to rename a fund; to provide penalties; to eliminate the Special Fuel Tax Act; to eliminate certain collection provisions; to eliminate a shrinkage allowance which expired and a definition; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide operative dates; to provide severability; to repeal the original sections, and also sections 66-635, 66-647, and 66-648, Reissue Revised Statutes of Nebraska, 1943, sections 66-495, 66-497, 66-601, 66-601.01, 66-605 to 66-605.06, 66-606.01, 66-608, 66-609, 66-612, 66-613, 66-616 to 66-620, 66-629, 66-632, 66-634.01, 66-638, 66-641 to 66-645, 66-646.01, and 66-1505, Revised Statutes Supplement, 1992, sections 66-602, 66-605.07, and 66-607, Revised Statutes Supplement, 1993, and section 66-633, Revised Statutes Supplement, 1992, as amended by this legislative bill; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Coordsen	Hall	Lindsay	Preister
Ashford	Crosby	Hartnett	Lynch	Rasmussen
Avery	Cudaback	Hillman	Matzke	Robak
Bernard-Stevens	Day	Hudkins	McKenzie	Robinson
Bohlke	Dierks	Janssen	Monen	Schellpeper
Bromm	Elmer	Jones	Moore	Schimek
Byars	Engel	Kristensen	Pedersen	Schmitt
	Fisher	Landis	Pirsch	Vrtiska

Warner Wesely Wickersham Will Witek
Wehrbein

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 3:

Chambers Haberman Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1160A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1160, Ninety-third Legislature, Second Session, 1994; to provide for transfers; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Crosby	Hudkins	Monen	Schimek
Ashford	Cudaback	Janssen	Moore	Schmitt
Avery	Day	Jones	Pedersen	Vrtiska
Bernard-Stevens	Dierks	Kristensen	Pirsch	Warner
Bohlke	Elmer	Landis	Preister	Wehrbein
Bromm	Engel	Lindsay	Rasmussen	Wesely
Byars	Fisher	Lynch	Robak	Wickersham
Coordsen	Hartnett	Matzke	Robinson	Will
	Hillman	McKenzie	Schellpeper	Witek

Voting in the negative, 0.

Present and not voting, 2:

Beutler Hall

Excused and not voting, 3:

Chambers Haberman Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 695.

A BILL FOR AN ACT relating to governmental property; to amend sections 16-207 and 17-555, Reissue Revised Statutes of Nebraska, 1943; to state intent; to establish the Nebraska Tree Recovery Program; to provide for a grant process as prescribed; to change provisions relating to regulation of streets and sidewalks; to provide procedure for the removal of dead or diseased trees; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud	Coordsen	Hudkins	McKenzie	Schellpeper
Ashford	Crosby	Janssen	Monen	Schimek
Bernard-Stevens	Day	Jones	Pedersen	Schmitt
Beutler	Dierks	Kristensen	Preister	Vrtiska
Bohlke	Elmer	Landis	Rasmussen	Wehrbein
Bromm	Hall	Lynch	Robak	Wickersham
Byars	Hartnett	Matzke	Robinson	Withem
	Hillman			

Voting in the negative, 9:

Avery	Lindsay	Pirsch	Wesely	Witek
Cudaback	Moore	Warner	Will	

Present and not voting, 2:

Engel Fisher

Excused and not voting, 2:

Chambers Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER WITHEM PRESIDING

LEGISLATIVE BILL 695A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 695, Ninety-third Legislature, Second Session, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Abboud	Crosby	Hillman	Matzke	Schimek
Ashford	Day	Hudkins	McKenzie	Schmitt
Bernard-Stevens	Dierks	Janssen	Monen	Vrtiska
Beutler	Elmer	Jones	Pedersen	Wehrbein
Bohlke	Engel	Kristensen	Preister	Wickersham
Byars	Hall	Landis	Rasmussen	Withem
	Hartnett	Lynch	Robak	

Voting in the negative, 12:

Avery	Lindsay	Robinson	Warner	Will
Cudaback	Moore	Schellpeper	Wesely	Witek
Fisher	Pirsch			

Present and not voting, 2:

Bromm Coordsen

Excused and not voting, 2:

Chambers Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1337.

A BILL FOR AN ACT relating to employment security; to amend sections 48-601, 48-649, 48-650, 48-651, 48-655.02, 48-659, 48-660, and 48-660.01, Reissue Revised Statutes of Nebraska, 1943, sections 48-648 and 48-656, Revised Statutes Supplement, 1992, and sections 48-602, 48-604, 48-652, 48-655, 48-657, and 48-658, Revised Statutes Supplement, 1993; to define and redefine terms; to provide for assessment, calculation, and collection of a state unemployment insurance tax; to create funds and a board; to provide funding for job training programs; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Crosby	Hudkins	Monen	Schmitt
Ashford	Cudaback	Janssen	Moore	Vrtiska
Avery	Day	Jones	Pedersen	Warner
Bernard-Stevens	Dierks	Kristensen	Pirsch	Wehrbein
Beutler	Elmer	Landis	Rasmussen	Wesely
Bohlke	Engel	Lindsay	Robak	Wickersham
Bromm	Fisher	Lynch	Robinson	Will
Byars	Hall	Matzke	Schellpeper	Witek
Coordsen	Hartnett	McKenzie	Schimek	Withem
	Hillman			

Voting in the negative, 0.

Present and not voting, 1:

Preister

Excused and not voting, 2:

Chambers Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 1034, 1034A, 1061, and 1061A.

Enrollment and Review Change to LB 1034

The following changes, required to be reported for publication in the Journal, have been made:
ER7487

1. In the Robinson amendment, AM4516, on page 2, line 9, "lines 7 and 15," has been struck and "line 7, strike 'land,'; and in line 15" inserted.

2. In the E & R amendment, AM5735, on page 1, line 17, "81-1566.01," has been inserted after the first comma.

3. In the Standing Committee amendment, AM3959:

a. On page 1, line 21, ", and (b) on" has been struck and ". (b) On" inserted; and

b. On page 22, line 21, "81-1566.01," has been inserted after the first comma.

Enrollment and Review Change to LB 1061

The following changes, required to be reported for publication in the Journal, have been made:
ER7489

1. On page 1, line 1, "motor vehicles" has been struck and "property" inserted.

Enrollment and Review Change to LB 1061A

The following changes, required to be reported for publication in the Journal, have been made:
ER7492

1. On page 2, line 3, "(1)" has been struck; in line 4 "(2)" has been struck; and in line 12 "841" has been struck and "841A" inserted.

(Signed) Janis M. McKenzie, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 1243 to Select File

Mr. Preister moved to return LB 1243 to Select File for the following specific amendment:
AM4527

1. Insert the following new sections:

"Section 1. The Legislature finds and declares that it is now possible and feasible in this electronic age to more widely distribute legislative information by way of electronic communication in order to better inform the public of the matters pending before the Legislature and its proceedings. The Legislature further finds that it is desirable to make information regarding these matters and proceedings available in a timely manner to the people of this state, regardless of where they reside, for the least possible cost.

Sec. 2. The Legislative Council shall, with the advice of the Executive Board of the Legislative Council, maintain and make information available to the public in electronic form, including, but not limited to:

(1) The Nebraska state statutes, the Constitution of Nebraska, and the general index to the statutes;

(2) The text of each introduced bill, amendment, final reading bill, and passed bill and the bill index for the regular and special sessions of the current Legislature;

(3) The schedule of legislative committee hearings and a list of all committees of the Legislature and their members;

(4) The speaker's agenda;

(5) The bill status, committee statement, and fiscal note of each bill introduced in the regular and special sessions of the current Legislature;

(6) Each daily journal of all legislative proceedings, the Current summary sheet, and the current worksheet for the regular and special sessions of the current Legislature;

(7) When approved for publication by the appropriate committee, the verbatim committee testimony of each bill introduced in the regular and special sessions of the current Legislature;

(8) When approved for publication by the Clerk of the Legislature, the verbatim floor debate of each bill introduced in the regular and special sessions of the current Legislature;

(9) Attorney General opinions;

(10) Opinions from the Nebraska Accountability and Disclosure Commission;

(11) Names, addresses, and phone numbers of principals and of each registered lobbyist who represents them.

Sec. 3. The Legislative Council shall, with the advice of the Executive Board of the Legislative Council, maintain and make available to the public an electronic mail system that allows members and employees of the Legislative Council to send messages to, and receive messages from, the public, each other, and state agencies.

Sec. 4. The information identified in sections 2 and 3 of this act shall be made available to the public by way of the largest nonproprietary, nonprofit cooperative public computer network, known as INTERNET. The information shall be made available in one or more formats and by one or more means in order to provide the greatest feasible access to the general public in this state. Any person who accesses the information may access all or any part of the information. The information may also be made available by any other means of access that would facilitate public access to the information. The electronic information that is maintained in the legislative information system that is operated and maintained by the Legislative Council shall be made available to the public at the same time it is made available to the

Legislative Council. Any information in section 2 of this act that is not available on the operative date of this section and the electronic mail system shall be made available in the shortest feasible time possible.

Sec. 5. Any documentation that describes the electronic digital formats of the information identified in section 2 of this act and that is available to the public shall be made available to the public by way of the computer network specified in section 4 of this act and in print form through the Legislative Council. Documentation that instructs network users on how to access information in section 2 of this act and how to use the electronic mail system shall be made available to the public by way of the computer network specified in section 4 of this act and shall be made available in print form through the Legislative Council.

Sec. 6. Personal information concerning a person who accesses the information provided pursuant to sections 1 to 8 of this act may be maintained only for the purpose of providing service to the person. No action taken pursuant to this section shall be deemed to alter or relinquish any protection of information provided for in section 84-712.05.

Sec. 7. No fee or other charge may be imposed by the Legislative Council as a condition of accessing the electronic mail system specified in section 3 of this act or information in the computer network specified in section 4 of this act.

Sec. 8. The electronic public access provided by way of the computer network specified in section 4 of this act shall be in addition to other electronic or print distribution of information available to the public.

Sec. 9. No action taken pursuant to sections 1 to 8 of this act shall be deemed to alter or relinquish any copyright or other proprietary interest or entitlement of the State of Nebraska relating to any of the information made available pursuant to such sections.

Sec. 10. Sections 1 to 9 of this act shall become operative on November 1, 1994.

Sec. 11. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

2. Renumber the remaining sections accordingly.

Mr. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 915, 1160, 1160A, 695, 695A, and 1337.

MOTION - Bracket LB 1243

Mr. Hall moved to bracket LB 1243 until April 13, 1994.

MR. BERNARD-STEVENS PRESIDING

Mr. Elmer asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hall motion to bracket prevailed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

VISITORS

Visitors to the Chamber were Marvin, Jane, and Bart Schaneman from Minatare; Darla Novotny, Nina and Charles Weinreis, Cheryl and Ron Engelhart, Michael Engelhaupt, Ryan Ringbauer, Tiffany Kendall, Katie Nerud, Celeste Weinreis, and Sharon Bird from Minatare; 16 eighth grade students and teacher from Humphrey St. Francis School; five FHA participants and sponsor from Bridgeport; Senator Cudaback's mother, Lena, and sister and brother-in-law, Jane and Gerald Rumbeck; and six Cub Scouts, leader, and parents from Den 5 Pack 48, Lincoln.

The Doctor of the Day was Robert Wergin from Lincoln.

ADJOURNMENT

At 11:13 p.m., on a motion by Mr. Bernard-Stevens, the Legislature adjourned until 9:00 a.m., Wednesday, April 13, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-EIGHTH DAY - APRIL 13, 1994

LEGISLATIVE JOURNAL

FIFTY-EIGHTH DAY - APRIL 13, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 13, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Charles Tyler, St. John A.M.E. Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Ashford, Bromm, Chambers, Dierks, Hall, Hartnett, Kristensen, Landis, Matzke, Moore, Pedersen, Preister, Wesely, Will, Mmes. Bohlke, Rasmussen, Mses. Day, and Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-seventh day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

REPORT

Received annual report from the Department of Revenue, Charitable Gaming Division, for 1993 in compliance with section 9-1,101, R.R.S. 1943.

SELECT FILE

LEGISLATIVE BILL 1364. E & R amendment, AM5733, found in the Journal on page 1750, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 902A. Mr. Wickersham renewed his pending amendment, AM4508, found in the Journal on page 1891.

The Wickersham amendment was adopted with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1207A. Advanced to E & R for engrossment.

MOTION - Return LB 1223A to Select File

Mr. Byars moved to return LB 1223A to Select File for the Dierks specific amendment, AM4358, found in the Journal on page 1754.

The Byars motion to return prevailed with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1223A. The Dierks specific amendment, AM4358, found in the Journal on page 1754, was adopted with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 1257 to Select File

Mr. Cudaback moved to return LB 1257 to Select File for his specific amendment, AM4449, found in the Journal on page 1846.

The Cudaback motion to return prevailed with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1257. The Cudaback specific amendment, AM4449, found in the Journal on page 1846, was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 903. E & R amendment, AM5729, found in the Journal on page 1490, was adopted.

Mr. Beutler withdrew his amendments, AM3964, AM3965, AM3962, AM3963, and AM4141, found in the Journal on pages 1401 and 1820.

Messrs. Beutler and Coordsen withdrew their amendment, AM4153, found in the Journal on page 1819.

Messrs. Lindsay, Hartnett, Moore, Withem, Beutler, Mrs. Crosby, and Ms. Schimek offered the following amendment:
AM4534

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 24-201.01, Revised Statutes Supplement, 1992, be amended to read as follows:

24-201.01. On July 1, ~~1989~~ 1992, the salary of the Chief Justice and judges of the Supreme Court shall be ~~sixty-six~~ eighty-eight thousand ~~six~~ one hundred ~~eighty-eight~~ fifty-seven dollars and ~~eighty-four~~ thirty cents. On January 5, 1995, the salary shall be increased by three percent of the salary received immediately prior to such date. ~~On July 1, 1990, the salary shall be increased by five percent of the salary received immediately prior to such date. On January 3, 1991, the salary shall be increased to seventy-seven thousand dollars. On July 1, 1991, the salary shall be increased by seven percent of the salary received immediately prior to such date. On July 1, 1992, the salary shall be increased by seven percent of the salary received immediately prior to such date.~~

The Chief Justice and the judges of the Supreme Court shall hold no other public office of profit or trust during their terms of office nor accept any public appointment or employment under the authority of the government of the United States for which they receive compensation for their services.

Such salaries shall be payable in equal monthly installments.

Sec. 2. That section 24-301.02, Revised Statutes Supplement, 1993, be amended to read as follows:

24-301.02. The State of Nebraska shall be divided into the following twelve district court judicial districts:

District No. 1 shall contain the counties of Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, Fillmore, and Richardson;

District No. 2 shall contain the counties of Sarpy, Cass, and Otoe;

District No. 3 shall contain the county of Lancaster;

District No. 4 shall contain the county of Douglas;

District No. 5 shall contain the counties of Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York,

Butler, Seward, and Saunders;

District No. 6 shall contain the counties of Dixon, Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

District No. 7 shall contain the counties of Knox, Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

District No. 8 shall contain the counties of Cherry, Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard;

District No. 9 shall contain the counties of Buffalo and Hall;

District No. 10 shall contain the counties of Adams, Clay, Phelps, Kearney, Harlan, Franklin, Webster, and Nuckolls;

District No. 11 shall contain the counties of Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas; and

District No. 12 shall contain the counties of Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, Grant, and Deuel.

In the fourth district there shall be fourteen judges of the district court. In the third district there shall be ~~six~~ seven judges of the district court. In the twelfth district there shall be five judges of the district court. In the fifth district there shall be four judges of the district court. In the first, second, sixth, ninth, and eleventh districts there shall be three judges of the district court. In the seventh, eighth, and tenth districts there shall be two judges of the district court.

Sec. 3. That section 24-729, Revised Statutes Supplement, 1993, be amended to read as follows:

24-729. The Supreme Court of Nebraska is empowered, with the consent of the retired judge, (1) to assign judges of the Supreme Court, Court of Appeals, and district court who are now retired or who may be retired hereafter to (a) sit in any court in the state to relieve congested dockets or to prevent the docket of such court from becoming congested or (b) sit for the judge of any court who may be incapacitated or absent for any reason whatsoever and (2) to assign any judge of the separate juvenile court, county court, or Nebraska Workers' Compensation Court who is now retired or who may be retired hereafter to (a) sit in any court having the same jurisdiction as one in which any such judge may have previously served to relieve congested dockets or to prevent the docket of any such court from becoming congested, ~~or~~ (b) sit for the judge of any such court who may be incapacitated or absent for any reason, or (c) at the request of the presiding judge of the county court in a county which has more than three hundred thousand inhabitants, sit in the Small

Claims Court of such county. Any judge who has retired on account of disability may not be so assigned.

For purposes of sections 24-729 to 24-733, retired judge shall include a judge who, before, on, or after March 31, 1993, has retired upon the attainment of age fifty-five and has elected to defer the commencement of his or her retirement annuity to a later date.

Sec. 4. That section 24-803, Revised Statutes Supplement, 1992, be amended to read as follows:

24-803. (1) ~~As~~ Except as provided in subsection (3) of this section, as the term of a member of a judicial nominating commission initially appointed or selected expires, the term of office of each successor member shall be for a period of four years. The Governor shall appoint all successor members of each nominating commission who are judges of the Supreme Court and citizen members. The Governor shall, each second year, appoint two alternate citizen members. The term of office of an alternate citizen member of a commission shall be for a period of four years. The lawyers residing in the judicial district or area of the state served by a judicial nominating commission shall select all successor and alternate lawyer members of such commission in the manner prescribed in section 24-806. The term of office of an alternate lawyer member of a commission shall be for a period of ~~two~~ four years. No member of any nominating commission, including the Supreme Court member of any such commission, shall serve more than a total of eight consecutive years as a member of the commission, and if such member has served for more than six years as a member of the commission, he or she shall not be eligible for reelection or reappointment. Alternate lawyer and citizen members shall be selected to fill vacancies in their order of election or appointment.

(2) For purposes of this section and Article V, section 21, of the Constitution of Nebraska, a member of a judicial nominating commission shall be deemed to have served on such commission if he or she was a member of the commission at the time of the publication of the notice required by subsection (5) of section 24-810.

(3) On and after the operative date of this section, the judicial nominating commissions for the office of judge of the district court shall serve as the judicial nominating commissions for the office of judge of the county court for counties located within the district court judicial districts served, except that county judge districts 1, 3, 4, and 10 shall each have a judicial nominating commission.

Sec. 5. That section 43-2,119, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-2,119. ~~In~~ (1) Until July 1, 1995, except as otherwise provided in subsection (2) of this section, in each

county of this state having a population of at least seventy-five thousand and not more than two hundred thousand ~~population~~ inhabitants in which a separate juvenile court has been established, there shall be one judge of the separate juvenile court, and in each county of this state having a population of more than two hundred thousand ~~population~~ inhabitants in which a separate juvenile court has been established, there shall be two judges of the separate juvenile court.

(2) On and after July 1, 1994, in each county of this state having a population of four hundred thousand inhabitants or more in which a separate juvenile court has been established, there shall be three judges of the separate juvenile court.

(3) On and after July 1, 1995, and until July 1, 1996, in each county of this state having a population of seventy-five thousand and less than two hundred thousand inhabitants in which a separate juvenile court has been established, there shall be one judge of the separate juvenile court, and in each county of this state having a population of two hundred thousand or more but less than four hundred thousand inhabitants in which a separate juvenile court has been established, there shall be two judges of the separate juvenile court. On and after July 1, 1996, in each county of this state having a population of at least seventy-five thousand and less than one hundred thousand in which a separate juvenile court has been established, there shall be one judge of the separate juvenile court and in each county of this state having a population of one hundred thousand and not more than four hundred thousand inhabitants in which a separate juvenile court has been established, there shall be two judges of the separate juvenile court.

(4) In counties having two or more judges of the separate juvenile court, upon the swearing in of the second judge, the senior judge in point of service as a juvenile court judge shall be the presiding judge. The judges shall rotate the office of presiding judge every three years unless the judges agree to another system.

Sec. 6. That section 76-720, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-720. (1) If an appeal is taken from the award of the appraisers by the condemnee and the amount of the final judgment is greater by fifteen percent than the amount of the award, or if appeal is taken by the condemner and the amount of the final judgment is not less than eighty-five percent of the award, or if appeal is taken by both parties and the final judgment is greater in any amount than the award, the court may in its discretion award to the condemnee a reasonable sum for the fees of his or her attorney and for fees necessarily

incurred for not more than two expert witnesses.

(2) On any appeal by the condemner, the condemner shall pay all court costs on appeal. If appeal is taken by the condemnee only, he or she shall be charged with ~~such~~ court costs if the final judgment is not greater than the award of the appraisers. For purposes of this section, court costs shall not include attorney's fees or expert witness fees.

(3) If an appeal is taken to the district court and the district court finds that the condemner did not negotiate in good faith with the property owner or there was no public purpose for taking the property involved, the court shall award to the condemnee a reasonable sum for the fees of his or her attorney and the condemner shall pay all court costs on appeal.

(4) The changes made to this section by this legislative bill shall apply to any action pending on the operative date of this section or filed on or after such date.

Sec. 7. Sections 1, 3, 6 to 8, and 10 of this act shall become operative on their effective date. Sections 2, 4, 5, and 9 of this act shall become operative on July 1, 1994.

Sec. 8. That original section 76-720, Reissue Revised Statutes of Nebraska, 1943, section 24-201.01, Revised Statutes Supplement, 1992, and section 24-729, Revised Statutes Supplement, 1993, are repealed.

Sec. 9. That original section 43-2,119, Reissue Revised Statutes of Nebraska, 1943, section 24-803, Revised Statutes Supplement, 1992, and section 24-301.02, Revised Statutes Supplement, 1993, are repealed.

Sec. 10. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

PRESIDENT ROBAK PRESIDING

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Lindsay et al. amendment was adopted with 33 ayes, 1 nay, 10 present and not voting, and 5 excused and not voting.

Mr. Bromm withdrew his amendment, AM4325, printed separately from the Journal and referred to on page 1747.

Mr. Kristensen offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM4550.)

Mr. Kristensen offered the following amendment to his pending amendment:
FA577
Amend AM4550
On page 6, line 8, reinstate "physical illness or disability"

The Kristensen amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

The Kristensen amendment, as amended, was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 903A. E & R amendment, AM5727, found in the Journal on page 1494, was adopted.

Mr. Bernard-Stevens offered the following amendment:
FA578
Add the following new section:
"Section 1. There is hereby appropriated $8,000 from the General Fund for FY1994-95 to the Nebraska Commission on Law Enforcement and Criminal Justice for Program 150. Funds appropriated in this section shall be provided as a grant to the Industrial Development Corporation of McCook, Nebraska, for the planning and development of an adolescent and youth services program."

The Bernard-Stevens amendment lost with 5 ayes, 10 nays, 32 present and not voting, and 2 excused and not voting.

Mrs. Crosby offered the following amendment:
AM4565
1. Strike the original sections and all amendments thereto and insert the following:
"Section 1. There is hereby appropriated (1) $9,931 from the General Fund for FY1994-95 and (2) $18,782 from the General Fund for FY1995-96 to the Supreme Court, for Program 3, to aid in carrying out the provisions of Legislative Bill 903, Ninety-third Legislature, Second Session, 1994.
Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $9,257 for FY1994-95 or $18,514 for FY1995-96.
Sec. 2. There is hereby appropriated (1) $7,647 from the General Fund for FY1994-95 and (2) $15,294 from the General Fund for FY1995-96 to the Supreme Court, for Program 4, to aid in carrying out the provisions of Legislative Bill 903, Ninety-third Legislature, Second Session, 1994.
Total expenditures for permanent and temporary

salaries and per diems from funds appropriated in this section shall not exceed $7,538 for FY1994-95 or $15,075 for FY1995-96.

Sec. 3. There is hereby appropriated (1) $253,837 from the General Fund for FY1994-95 and (2) $324,826 from the General Fund for FY1995-96 to the Supreme Court, for Program 6, to aid in carrying out the provisions of Legislative Bill 903, Ninety-third Legislature, Second Session, 1994.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $232,810 for FY1994-95 or $302,528 for FY1995-96.

Sec. 4. There is hereby appropriated (1) $64,994 from the General Fund for FY1994-95 and (2) $129,988 from the General Fund for FY1995-96 to the Supreme Court, for Program 7, to aid in carrying out the provisions of Legislative Bill 903, Ninety-third Legislature, Second Session, 1994.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $64,066 for FY1994-95 or $128,132 for FY1995-96.

Sec. 5. There is hereby appropriated (1) $78,504 from the General Fund for FY1994-95 and (2) $81,904 from the General Fund for FY1995-96 to the Supreme Court, for Program 52, to aid in carrying out the provisions of Legislative Bill 903, Ninety-third Legislature, Second Session, 1994.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $57,400 for FY1994-95 or $57,400 for FY1995-96.".

The Crosby amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 718. Mr. Wesely renewed his pending amendment, AM3865, found in the Journal on page 1428.

Mrs. Witek, Messrs. Lynch, Cudaback, and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Vrtiska moved the previous question. The question is, "Shall the debate now close?"

Mr. Vrtiska moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. Vrtiska requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 25:

Abboud	Byars	Engel	Matzke	Robinson
Ashford	Coordsen	Fisher	Monen	Schellpeper
Beutler	Crosby	Hudkins	Moore	Schmitt
Bohlke	Dierks	Janssen	Pirsch	Vrtiska
Bromm	Elmer	Lynch	Robak	Witek

Voting in the negative, 15:

Avery	Hillman	Lindsay	Schimek	Wickersham
Bernard-Stevens	Kristensen	Pedersen	Warner	Will
Day	Landis	Rasmussen	Wesely	Withem

Present and not voting, 7:

Chambers	Hall	McKenzie	Preister	Wehrbein
Haberman	Hartnett			

Excused and not voting, 2:

Cudaback Jones

The motion to cease debate prevailed with 25 ayes, 15 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Wesely requested a record vote on his amendment.

Voting in the affirmative, 15:

Ashford	Chambers	Landis	Pirsch	Wesely
Bernard-Stevens	Hall	Lindsay	Preister	Will
Beutler	Hartnett	Moore	Schimek	Withem

Voting in the negative, 24:

Abboud	Coordsen	Hillman	Monen	Schellpeper
Avery	Day	Janssen	Pedersen	Schmitt
Bohlke	Dierks	Kristensen	Rasmussen	Vrtiska
Bromm	Engel	Matzke	Robak	Wickersham
Byars	Fisher	McKenzie	Robinson	

Present and not voting, 8:

Crosby	Haberman	Lynch	Wehrbein	Witek
Elmer	Hudkins	Warner		

Excused and not voting, 2:

Cudaback Jones

The Wesely amendment lost with 15 ayes, 24 nays, 8 present and not voting, and 2 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 902A, 1207A, 1223A, and 1364.

(Signed) Janis M. McKenzie, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 12, 1994, at 11:30 p.m., were the following bills: 915, 1160, 1160A, 695, 695A, and 1337.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

ANNOUNCEMENT

Mr. Moore announced an executive session of the Appropriations Committee will meet at 6:00 p.m. today in Room 1004.

VISITORS

Visitors to the Chamber were 45 students and teacher from Fort Calhoun; 31 fourth grade students and teacher from Holy Ghost Elementary School, Omaha; Senator Byars' son, Jon, and mother-in-law and father-in-law, Jerry and Dorothy Busboom; 39 fifth grade students and teachers from Howard Elementary School, Fremont; 36 fourth grade students and sponsors from Grant School, Norfolk; and Senator Ashford's wife, Ann.

MOTION - Recess

Mr. Hall moved to recess until 1:00 p.m. The motion prevailed with 17 ayes, 7 nays, and 25 not voting, and at 12:03 p.m., the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Cudaback, Engel, Jones, Kristensen, Wesely, Will, Mmes. Crosby, and Robak who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 718. Mr. Landis requested a machine vote on the advancement of the bill.

Mrs. Bohlke moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mrs. Bohlke requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Ashford	Byars	Haberman	McKenzie	Schellpeper
Avery	Coordsen	Hillman	Monen	Schmitt
Bernard-Stevens	Day	Hudkins	Pedersen	Vrtiska
Bohlke	Dierks	Janssen	Rasmussen	Wehrbein
Bromm	Elmer	Matzke	Robinson	Wickersham
	Fisher			

Voting in the negative, 6:

Beutler	Hall	Landis	Pirsch	Withem
Chambers				

Present and not voting, 7:

Hartnett	Lynch	Schimek	Warner	Witek
Lindsay	Preister			

Absent and not voting, 1:

Moore

Excused and not voting, 9:

Abboud	Cudaback	Jones	Robak	Will
Crosby	Engel	Kristensen	Wesely	

Advanced to E & R for engrossment with 26 ayes, 6 nays, 7 present and not voting, 1 absent and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Messrs. Beutler and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE RESOLUTION 293CA. Mrs. Robak withdrew her amendment, AM4496, found in the Journal on page 1885 and considered on page 1929.

Mr. Hall renewed his pending amendment, AM4538, found in the Journal on page 1946.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall offered the following amendment to his pending amendment: FA579

Amend AM4538 on p. 2, line 20, after "proceeds" insert "derived from the regulation" and on p. 3, line 6, strike "reasonably" and on p. 3, line 7, strike "conducted" and insert "operated"

The Hall amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. LINDSAY PRESIDING

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?"

Mr. Dierks moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Dierks requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 28:

Abboud	Bromm	Dierks	Haberman	Landis
Ashford	Byars	Elmer	Hartnett	Matzke
Avery	Coordsen	Engel	Hudkins	Pirsch
Beutler	Crosby	Fisher	Kristensen	Schellpeper

Schmitt	Warner	Wesely	Witek	Withem
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 4:

Chambers	Hall	Robak	Will

Present and not voting, 14:

Bernard-Stevens	Day	Lindsay	Monen	Preister
	Hillman	Lynch	Moore	Rasmussen
Bohlke	Janssen	McKenzie	Pedersen	Schimek

Excused and not voting, 3:

Cudaback	Jones	Robinson

The motion to cease debate prevailed with 28 ayes, 4 nays, 14 present and not voting, and 3 excused and not voting.

Mr. Hall requested a record vote on his amendment, as amended.

Voting in the affirmative, 8:

Chambers	Haberman	Janssen	Pedersen	Robak
Day	Hall	Monen		

Voting in the negative, 31:

Abboud	Byars	Hudkins	Moore	Warner
Ashford	Coordsen	Kristensen	Pirsch	Wehrbein
Bernard-Stevens	Crosby	Landis	Rasmussen	Wesely
	Dierks	Lindsay	Schellpeper	Wickersham
Beutler	Elmer	Matzke	Schimek	Will
Bohlke	Fisher	McKenzie	Schmitt	Witek
Bromm	Hartnett			

Present and not voting, 7:

Avery	Hillman	Preister	Vrtiska	Withem
Engel	Lynch			

Excused and not voting, 3:

Cudaback	Jones	Robinson

The Hall amendment, as amended, lost with 8 ayes, 31 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Chambers moved to indefinitely postpone LR 293CA.

Mr. Chambers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Chambers motion to indefinitely postpone lost with 10 ayes, 32 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Chambers requested a record vote on the advancement of the resolution.

Voting in the affirmative, 30:

Avery	Day	Hartnett	Matzke	Rasmussen
Bernard-Stevens	Elmer	Hillman	McKenzie	Schellpeper
Bohlke	Engel	Janssen	Monen	Warner
Bromm	Fisher	Kristensen	Moore	Wickersham
Byars	Haberman	Lindsay	Pedersen	Will
Coordsen	Hall	Lynch	Pirsch	Withem

Voting in the negative, 9:

Ashford	Chambers	Landis	Schmitt	Witek
Beutler	Crosby	Schimek	Wesely	

Present and not voting, 7:

Abboud	Hudkins	Robak	Vrtiska	Wehrbein
Dierks	Preister			

Excused and not voting, 3:

Cudaback	Jones	Robinson

Advanced to E & R for engrossment with 30 ayes, 9 nays, 7 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORT
Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Debra Hansen - Nebraska Ethanol Board

VOTE: Aye: Senators Beutler, Bohlke, Bromm, Elmer, McKenzie, Monen, and Preister. Absent: Senator Jones.

(Signed) Chris Beutler, Chairperson

PROPOSED RULES CHANGE

Mr. Elmer asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Amend Rule 7, Section 3(e), as follows:

(e) Any member may call for the division of a question, which ~~shall~~ may be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. If any member objects to the division, the decision shall be put to the body as to whether the amendment should be divided. The motion to divide shall be debatable and will be allowed if a majority of those voting vote in favor of allowing the division. In a situation where a committee amendment is offered that constitutes a complete rewrite of the bill, it shall be non-divisible. Once a division is ordered by the presiding officer, each component shall be treated as a separate and distinct proposition. Once a vote or change has occurred on any of the divisible questions, the remaining divided sections may not be withdrawn without a majority of those voting or without unanimous consent. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert. Such call for division shall not be allowed when considering motions under Rule 6, Section 6.

Referred to the Rules Committee.

MOTION - Return LB 1087 to Select File

Mr. Coordsen moved to return LB 1087 to Select File for the following specific amendment:
AM4552

(Amendments to Final Reading copy)

1. Strike section 3.

2. On page 1, strike beginning with "section" in line 1 through line 2; and strike beginning with "to" in line

4 5 through the first semicolon in line 7.
5 3. On page 10, strike beginning with "section" in
6 line 5 through the first "and" in line 6.
7 4. Renumber the remaining sections accordingly.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The Coordsen motion to return prevailed with 29 ayes, 3 nays, 13 present and not voting, and 4 excused and not voting.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1087. The Coordsen specific amendment, AM4552, found in this day's Journal, was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 902 to Select File

Mr. Warner moved to return LB 902 to Select File for his specific amendment, AM4489, found in the Journal on page 1886.

The Warner motion to return prevailed with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 902. The Warner specific amendment, AM4489, found in the Journal on page 1886, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 140A to Select File

Mr. Bernard-Stevens moved to return LB 140A to Select File for his specific amendment, AM2638, found in the Journal on page 1313.

The Bernard-Stevens motion to return prevailed with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 140A. The Bernard-Stevens specific amendment, AM2638, found in the Journal on page 1313, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

PRESIDENT ROBAK PRESIDING

WITHDRAW - Amendment to LB 872

Mr. Moore withdrew his amendment, AM3576, found in the Journal on page 1026, to LB 872.

MOTION - Return LB 872 to Select File

Mr. Moore moved to return LB 872 to Select File for the following specific amendment:
AM3700

(Amendments to Final Reading copy)

1. Insert the following new section:

"Section 1. That section 75-104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-104. The salary of each commissioner shall be thirty-five thousand dollars. Commencing January 3, 1991, the annual salary of each commissioner shall be forty-two thousand dollars. Each commissioner shall be entitled to receive from the state his or her mileage expenses incurred while traveling in the line of duty to and from his or her residence to the office of the Public Service Commission in Lincoln pursuant to the following conditions:

(1) The Public Service Commission has adopted and promulgated rules and regulations establishing guidelines for allowable reimbursement of such mileage expenses, except that such mileage rate shall not exceed the mileage rate established by the Department of Administrative Services pursuant to section 81-1176;

(2) The request for such reimbursement falls within such guidelines; and

(3) The total amounts authorized for such reimbursement of mileage expenses in any fiscal year does not cause the total expenses to exceed the total funds appropriated to the program established for commissioners' expenses. In addition thereto, the commissioners, secretary, clerks, and other employees of the commission shall be entitled to receive from the state their actual necessary traveling expenses, ~~which shall include~~ including the cost of transportation while traveling on the business of the commission, to be paid in the same manner as other requests

for payment or reimbursement from the state. In computing the cost of transportation for the commissioners, secretary, clerks, and other employees, no mileage or other traveling expense shall be requested or allowed unless sections 81-1174 to 81-1177 are strictly complied with.".

2. On page 1, line 2, after "section" insert "75-104, Reissue Revised Statutes of Nebraska, 1943, and section" and after the semicolon insert "to change provisions relating to certain expenses incurred as prescribed;".

3. On page 2, line 10, strike "A" and insert "Except in case of an emergency and upon a motion to proceed with less than a quorum made by all parties and supported by a showing of clear and convincing evidence of such emergency and benefit to all parties, a".

4. On page 3, line 18, after "section" insert "75-104, Reissue Revised Statutes of Nebraska, 1943, and section"; and in line 19 strike "is" and insert "are".

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

The Moore motion to return prevailed with 25 ayes, 3 nays, 19 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 872. The Moore specific amendment, AM3700, found in this day's Journal, was adopted with 26 ayes, 3 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 872 to Select File

Mr. Hall moved to return LB 872 to Select File for the following specific amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM4584.)

The Hall motion to return prevailed with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Byars asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 872. The Hall specific amendment, AM4584, on file in the Clerk's Office and referred to in this day's Journal, was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

MESSAGE FROM THE GOVERNOR

April 13, 1994

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

With this letter, I am returning LB 991 with line item reductions. The total LB 991 cash and general fund vetoes over the next three years is $26.4 million. A list of the individual vetoes is attached, representing a total general fund reduction of nearly $3.0 million in FY 1994/95 and more than $5.9 million over the next three years. In addition there are vetoes to the Highway Cash Fund of $6.8 million per year for three years.

The decision to make these reductions was not an easy one; however, it is my constitutional duty to review the planned expenditures to affect the most efficient plan possible. In my opinion, these additional reductions are necessary to keep us on sound fiscal footing going into the 1995-97 biennium.

The increase for teachers salaries has been reduced by $1.5 million. I continue to believe that teachers salaries should be included in the overall LB 1059 funding formula and will continue to work on this until it is accomplished. While the effort of the Legislature to increase funding for the teacher salary program is commendable, our fiscal situation makes it necessary to reduce this increased funding. My veto would still result in a $1.5 million increase in this valuable program, bringing total funding for this program to $8.5 million.

Six hundred thousand dollars was vetoed from the Children's Mental Health Roadmap appropriation. The remaining $400,000 will provide for some development of mid-level mental health services but more within the budget limitations we must face. I will require the DPI to file its plan with the Legislature outlining how these additional funds can best be spent. I will encourage DPI to consider using this additional funding for pilot projects in the regions.

LB 991 includes an appropriation of $600,000 in General Funds to provide salary increases to employees of the State Probation System. These funds were added by adoption of a floor amendment to the budget bill. The appropriation has been vetoed and should be considered as part of the regular budget process next year. In addition, I would remind Senators that probation administration has consistently received appropriations to provide salary increases equal to those provided for other state employees.

LB 991 included the addition of $140,000 for the Nebraska Math/Science Systematic Initiative for FY 1994/95 and is reduced by $40,000. This allows $100,000 of state general funds to remain. This is the same level of appropriation provided in the current year to match available federal funds for this initiative to enhance the math and science curriculum in our K-12 schools.

I am also vetoing $40,000 of the additional $80,000 added to the Postsecondary Education Award Program (PEAP) for FY 1994/95. PEAP is the program for students attending independent four-year institutions. Funding for this program will now be more than $460,000 for next fiscal year. Both the Legislature and I have given generous support to this worthy initiative, but given our budget constraints this veto was necessary.

The $100,000 for the Trail Development Assistance Fund is vetoed for both FY 1993/94 and FY 1994/95. While funding may be desirable in this instance, it was not included in my original recommendation and additional funding is not available during these mid-biennium adjustments. It should be noted that $100,000 from the general fund was appropriated for this program last fiscal year.

The increased funding for the Textbook Loan Program has been vetoed. The proposed increase of $50,000 to provide textbooks to private school students should be considered as part of the regular biennial budget request. This leaves $162,500 in the program.

The amount added for the retirement payout for the Commissioner of Education has been vetoed. While the costs related to this retirement are not minor, the Department budget can be adjusted through vacancy savings and internal reallocations to cover these costs during the next fiscal year.

Finally, the appropriation to the Department of Roads, Program 569, is reduced to $314,526,375. This means that $6,827,270 less in gas taxes will be paid by taxpayers as compared to the Legislature's intent as expressed in LB 991. This will maintain the variable gas tax rate at the current average rate of 23.4 cents per gallon. $314.5 million will remain for continued enhancement of the State's primary roads and development of the State's expressway system. With this veto the

Department of Roads' budget will increase nearly $21 million over the current appropriation as a result of increased motor vehicle sales and variable gas tax revenues over original projections.

Thank you for your hard work and cooperation during this session. I ask for your support in sustaining these reductions in an effort to attain an orderly approach to all of the State's budget needs in the coming years.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:sf

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: 1275.

Correctly Engrossed

The following bills were correctly engrossed: 718, 833, 833A, and 1257.

Enrollment and Review Change to LB 833

The following changes, required to be reported for publication in the Journal, have been made:
ER7491

1. In the Wickersham amendment, AM4470:

a. On page 1, line 17, "of this act" has been inserted after "58"; and

b. On page 2, line 11, "Reissue" has been struck; and in line 12 "of Nebraska, 1943" has been struck and "Supplement, 1992" inserted.

2. In the Wickersham amendment, AM3773:

a. On page 7, line 24; page 29, line 10; page 54, line 25; page 78, line 21; and page 93, line 5, ", the following definitions shall apply" has been struck;

b. On page 9, line 8, "set forth" has been inserted after "items";

c. On page 10, line 4, "such" has been inserted after "all";

d. On page 10, line 27; page 96, line 9; and page 97, line 7, the semicolon has been struck and an underscored period inserted;

e. On page 13, line 8, an underscored comma has been inserted after "employer";

f. On page 27, line 15, "Reissue" has been struck; and in line 16 "of Nebraska, 1943" has been struck and "Supplement, 1992" inserted;

g. On page 30, line 2; page 55, line 17; and page 79, line 13, "provisions" has been struck and "provision" inserted;

h. On page 34, line 13; page 35, line 8; page 36, line 5; page 59, line 27; page 60, line 22; page 61, line 19; page 84, line 7; and page 85, lines 2 and 26, "is" has been struck and "shall be" inserted;

i. On page 36, line 1; page 61, line 15; and page 85, line 22, an underscored comma has been inserted after "adjustment";

j. On page 57, line 17; and page 81, line 15, "will" has been struck and "shall" inserted;

k. On page 60, line 20, the period has been struck and an underscored semicolon inserted;

l. On page 80, line 16, "code" has been struck and "Internal Revenue Code of 1986, as amended" inserted;

m. On page 81, line 11, the comma has been struck;

n. On page 82, the matter beginning with "Internal" in line 3 through the second comma in line 4 has been struck and "code" inserted;

o. On page 93, line 6, "a" has been inserted after "mean"; and in line 9 an underscored comma has been inserted after "amended";

p. On page 96, line 6, an underscored comma has been inserted after "adjusted";

q. On page 98, line 17, an underscored comma has been inserted after "employer";

r. On page 100, line 20, the comma has been struck and shown as stricken; and in line 22 the first comma has been struck and shown as stricken; and

s. On page 101, line 13, "sections" has been inserted after "and".

3. On page 1, the matter beginning with "23-2309.01" in line 1 through page 2, line 1, has been struck and "23-2309, 23-2309.01, 23-2311, 23-2315, 23-2318, 23-2323, 23-2331, 24-702, 24-705 to 24-708, 24-710.02, 24-712, 48-155.01, 84-1320, and 84-1325, Reissue Revised Statutes of Nebraska, 1943, sections 23-2310, 24-701, 24-703, 24-704, 24-710, 24-714, 79-1501, 79-1528, 79-1531, 81-2014, 81-2015, 81-2017 to 81-2019, 81-2021, 81-2031, 81-2032, 84-1310, 84-1310.01, 84-1311, 84-1331, and 84-1503, Revised Statutes Supplement, 1992, and sections 23-2301, 24-710.03, 79-1501.01, 81-2025, and 81-2026, Revised Statutes Supplement, 1993; to define and redefine terms; to change provisions relating to state and local retirement systems; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections, and also section 79-1522.03, Reissue Revised Statutes of Nebraska, 1943, and section 84-1312, Revised Statutes Supplement, 1992; and to declare an emergency." inserted.

Enrollment and Review Change to LB 833A

The following changes, required to be reported for publication in the Journal, have been made:
ER7488

1. On page 2, line 5, the comma has been struck.

Enrollment and Review Change to LB 1257

The following changes, required to be reported for publication in the Journal, have been made:
ER7493

1. On page 1, line 2, ", 13-503," has been inserted after "13-501"; and in line 3 "to redefine a term;" has been inserted after the semicolon.

2. On page 3, line 4, an underscored period has been inserted after "year" and the period has been struck and shown as stricken.

(Signed) Janis M. McKenzie, Chairperson

WITHDRAW - Amendments to LB 188

Mr. Beutler withdrew his amendments, AM3465 and AM3504, found in the Journal on pages 947 and 1305, to LB 188.

MOTION - Return LB 188 to Select File

Messrs. Wickersham and Beutler moved to return LB 188 to Select File for the following specific amendment:
AM4581

(Amendments to Final Reading copy)

1. Strike section 1 and insert the following new sections:

"Section 1. That section 76-2,110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-2,110. ~~When~~ (1) After January 1, 1995, no action shall be maintained to set aside, cancel, annul, or declare void or invalid any conveyance, in any manner purporting to subdivide real estate, which has been recorded in the office of the register of deeds of the county in which the real estate is situated for more than five years prior to the commencement of the action on the ground that the conveyance or the recording of the conveyance has failed to comply with any requirement relating to subdivision approval. Unless the conveyance is modified or set aside by an action or proceeding commenced by January 1, 1995, or five years after the date of recording of the conveyance, whichever is later, it shall be conclusively presumed that the conveyance is fully valid notwithstanding any failure to comply with any requirement relating to subdivision approval.

(2) If any conveyance, in any manner purporting to subdivide real estate, has been or is hereafter recorded in the office of register of deeds of the county ~~wherein such~~ in which the real estate is situated, and the conveyance, or the

recording ~~thereof;~~ of the conveyance has failed to comply with any requirement relating to subdivision approval and if the conveyance has not been otherwise validated under subsection (1) of this section, any party claiming an interest in such conveyance may file an affidavit with the register of deeds asserting that written notice of the defect in approval has been received by the governmental authority having subdivision approval jurisdiction over such real estate. Upon filing such affidavit, such governmental authority shall have one hundred twenty days from the receipt of such written notice to record an objection in the office of register of deeds in the county ~~wherein~~ in which the real estate is situated, or such conveyance shall be fully valid. If an objection is filed, the conveyance shall not be validated. The objection shall be in the form of a resolution adopted after public hearing. The governmental authority may waive, prospectively waive, or retroactively waive such notice or such one-hundred-twenty-day period, as to a single subdivision or any category of subdivisions.

(3) Notwithstanding the validity of any such conveyance under this section, the subdivider shall not thus be relieved of any penalty lawfully imposed by such governmental authority for the failure to otherwise comply with any requirement relating to subdivision approval. Any conveyance of real estate for the public use shall be valid only upon express approval of such governmental authority. Other than for purposes of validating a conveyance, this section shall not excuse compliance with applicable zoning or subdivision ordinances of the governmental authority having subdivision approval jurisdiction over such real estate.

Sec. 2. On and after September 9, 1997, no action may be maintained to set aside any deed of conveyance executed by a personal representative of an estate prior to September 9, 1993, upon the grounds that the personal representative lacked authority conferred by the will of the decedent to convey real estate without court order or that a court order authorizing the sale of the real estate was invalid.

Sec. 3. That section 1, Legislative Bill 441, Ninety-third Legislature, Second Session, 1994, be amended to read as follows:

Section 1. A city of the metropolitan, primary, first, or second class or village acquiring an interest in real property by purchase or eminent domain shall do so ~~by ordinance~~ only after the governing body has authorized the acquisition by action taken in a public meeting after notice and public hearing.".

2. On page 1, line 2, after "1943" insert ", and section 1, Legislative Bill 441, Ninety-third Legislature, Second Session, 1994"; in line 4 after the semicolon insert

"to provide for the validity of certain deeds executed by a personal representative; to change provisions relating to eminent domain;"; and in line 5 strike "section" and insert "sections".

3. On page 3, line 17, strike "is" and insert "and section 1, Legislative Bill 441, Ninety-third Legislature, Second Session, 1994, are".

4. Renumber the remaining section accordingly.

The Wickersham-Beutler motion to return prevailed with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 188. The Wickersham-Beutler specific amendment, AM4581, found in this day's Journal, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendment to LB 677

Mr. Chambers withdrew his amendment, AM2867, found in the Journal on page 893, to LB 677.

MOTION - Return LB 677 to Select File

Mr. Chambers moved to return LB 677 to Select File for his specific amendment, AM4085, printed separately from the Journal and referred to on page 1525.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chambers motion to return prevailed with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 677. The Chambers specific amendment, AM4085, found in the Journal on page 1525, was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 677 to Select File

Mr. Pedersen moved to return LB 677 to Select File for the following specific amendment:
AM4585

(Amendments to third Final Reading copy)

1. Insert the following new section:

"Sec. 14. The substance abuse therapy required by this section and section 83-179 shall be provided by the department prior to the first parole eligibility date of the committed offender. If the board finds that the department did not provide adequate access or availability to the committed offender prior to the first parole eligibility date, the board may waive the requirement of this section only if, as a condition of parole, the committed offender agrees to attend and complete therapy which is approved by the board.".

2. On page 2, line 2, after the semicolon insert "to change provisions relating to substance abuse therapy;".

3. Renumber the remaining sections accordingly.

The Pedersen motion to return prevailed with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 677. The Pedersen specific amendment, AM4585, found in this day's Journal, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendments to LB 677A

Mr. Chambers withdrew his amendments, AM2655 and AM4214, found in the Journal on pages 898 and 1613, to LB 677A.

MOTION - Return LB 677A to Select File

Mr. Chambers moved to return LB 677A to Select File for his specific amendment, AM4277, found in the Journal on page 1683.

The Chambers motion to return prevailed with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 677A. The Chambers specific amendment, AM4277, found in the Journal on page 1683, was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 1243 to Select File

Mr. Preister withdrew his motion to return LB 1243 to Select File for his specific amendment, AM4527.

Mr. Hall moved to return LB 1243 to Select File for the following Hall-Preister specific amendment:
AM4586

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 19. The Legislature finds and declares that it is now possible and feasible in the electronic age to more widely distribute legislative information by way of electronic communication in order to better inform the public of the matters pending before the Legislature and its proceedings. The Legislature further finds that it is desirable to make information regarding these matters and proceedings available in a timely manner to the people of this state, without a user fee if economically feasible.

Sec. 20. The chairperson of the Executive Board of the Legislative Council shall appoint a committee to make recommendations regarding the implementation of sections 19 and 21 of this act.

Sec. 21. The committee appointed pursuant to section 20 of this act shall establish a process for implementation of the following information to be made available to the public in electronic form, without a user fee if economically feasible:

(1) The Nebraska state statutes, the Constitution of Nebraska, and the general index to the statutes;

(2) The text of each introduced bill, printed amendment, final reading bill, passed bill, and slip law and the bill index for the regular and special sessions of the current Legislature;

(3) The schedule of legislative committee hearings and a list of all committees of the Legislature and their members;

(4) The speaker's agenda;

(5) The bill status, committee statement, and fiscal note of each bill introduced in the regular and special sessions of the current Legislature;

(6) The daily journal of all legislative proceedings, the summary sheets, and the current worksheet for

regular and special sessions of the current Legislature;

(7) When approved for publication by the appropriate committee, the committee testimony of each bill introduced in the regular and special sessions of the current Legislature; and

(8) When approved for publication by the Clerk of the Legislature, the floor debate of each bill introduced in the regular and special sessions of the current Legislature.

Sec. 22. The committee appointed pursuant to section 20 of this act shall issue an implementation plan, with recommendations, to the Executive Board of the Legislative Council by March 1, 1995.".

2. On page 2, line 1, after the first semicolon insert "to provide for distribution of Legislative information by way of electronic communication; to provide for a committee related to such distribution of information; to require a plan;".

3. Renumber the remaining sections and correct internal references accordingly.

4. Correct the operative date provision so that the sections added by this amendment become operative on their effective date.

The Hall motion to return prevailed with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1243. The Hall-Preister specific amendment, AM4586, found in this day's Journal, was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

UNANIMOUS CONSENT - Members Excused

Messrs. Haberman and Moore asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Return LB 1088 to Select File

Mr. Wickersham moved to return LB 1088 to Select File for the following specific amendment:
AM4578

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. That section 37-101, Revised Statutes Supplement, 1993, be amended to read as follows:

37-101. For purposes of the Game Law, unless the context otherwise requires:

(1) Captive propagation shall mean to hold live raptors in a controlled environment that is intensively manipulated by humans for the purpose of producing raptors of selected species and that has boundaries designed to prevent raptors, eggs, or gametes of the selected species from entering or leaving the controlled environment;

(2) Commercial exploitation shall mean buying, selling, or bartering for economic or financial gain by any person, partnership, limited liability company, association, or corporation;

(3) Disabled person shall mean any person certified by a physician to have a permanent physical impairment which limits personal mobility and results in an inability to travel unassisted more than two hundred feet without the use of a wheelchair, crutch, walker, prosthetic, orthotic, or other assistance device as allowed by rules and regulations adopted and promulgated by the commission;

(4) Commission shall mean the Game and Parks Commission;

(5) ~~(4)~~ Ecologic harm shall mean significant loss, disadvantage, or injury to the relationships between organisms and their environment;

(6) ~~(5)~~ Economic harm shall mean significant loss, disadvantage, or injury to personal or material resources;

(7) ~~(6)~~ Falconry shall mean the sport of taking quarry by means of a trained raptor;

(8) ~~(7)~~ Fur harvesting shall mean taking or attempting to take any fur-bearing animal by any means as prescribed by rules and regulations of the commission;

(9) ~~(8)~~ Fur-bearing animals shall mean all beaver, martens, minks except mutation minks, muskrats, raccoons, opossums, and otters;

(10) ~~(9)~~ Game shall mean all game fish, bullfrogs, snapping turtles, tiger salamanders, mussels, crows, game animals, fur-bearing animals, game birds, and all other birds and creatures protected by the Game Law;

(11) ~~(10)~~ Game animals shall mean all antelope, cottontail rabbits, deer, elk, mountain sheep, and squirrels;

(12) ~~(11)~~ Game birds shall mean coots, cranes, curlew, doves, ducks, geese, grouse, partridges, pheasants, plovers, prairie chickens, quail, rails, snipes, swans, woodcocks, wild turkeys, and all migratory waterfowl;

(13) ~~(12)~~ Game fish shall mean all fish except buffalo, carp, gar, quillback, sucker, and gizzard shad;

(14) ~~(13)~~ Hunt shall mean to take, pursue, shoot, kill, capture, collect, or attempt to take, pursue, shoot, capture, collect, or kill;

(15) ~~(14)~~ Officer shall mean every person authorized to enforce the Game Law;

(16) ~~(15)~~ Person, owner, proprietor, grantee, lessee, and licensee shall mean and include individuals, partnerships, limited liability companies, associations, corporations, and municipalities;

(17) ~~(16)~~ Raptor shall mean any bird of the Falconiformes or Strigiformes, except the golden and bald eagles;

(18) ~~(17)~~ Raw fur shall mean the green pelts of any fur-bearing animal except commercially reared mutations;

(19) ~~(18)~~ Trapping shall mean to take or attempt to take any fur-bearing animal by any snare, steel-jawed spring trap, or box trap; and

(20) ~~(19)~~ Upland game birds shall mean all species and subspecies of quail, partridges, pheasants, wild turkeys, and grouse, including prairie chickens, on which an open season is in effect.

Sec. 2. That section 37-102, Revised Statutes Supplement, 1993, be amended to read as follows:

37-102. Sections 37-101 to 37-726 and 37-1401 to 37-1408 and section 3 of this act shall be known and may be cited as the Game Law.

Sec. 3. A permit issued to a disabled person to hunt and kill deer, antelope, or elk shall not have a limitation regarding the sex of such animal unless, for management purposes, the commission determines that all permits issued, in the management unit in which the application for a permit is made, shall have a limitation regarding the sex of the animal.

Sec. 4. That section 37-215, Revised Statutes Supplement, 1993, be amended to read as follows:

37-215. (1)(a) The commission may issue permits for the hunting and killing of deer and prescribe and establish regulations and limitations for the hunting, killing, transportation, and possession of deer. The commission may specify by regulation the information to be required on applications for such permits. Regulations and limitations for the hunting, killing, transportation, and possession of deer may include, but not be limited to, regulations and limitations as to the type, caliber, and other specifications of firearms and ammunition used and specifications for bows and arrows used. Such regulations and limitations may further specify and limit the method of hunting deer and may provide for dividing the state into management units or areas, and the commission may enact different deer harvest regulations for the different management units as pertains to sex, species, and age of the deer harvested.

(b) The number of such permits may be limited, as

provided by the rules and regulations of the commission, and except as provided in section 3 of this act ~~but~~ the permits shall be disposed of in an impartial manner. Whenever the commission deems it advisable to limit the number of permits issued for any or all management units, the commission shall, by rules and regulations, determine who shall be eligible to apply for such permits. In establishing eligibility, the commission shall give preference to persons who did not receive a permit during the previous year or years.

(c) Such permits may be issued to allow killing of deer in the Nebraska National Forest and other game reserves and such other areas in the State of Nebraska as the commission may designate whenever the commission deems that permitting such killing will not be detrimental to the proper preservation of wildlife in Nebraska in such forest, reserves, or areas.

(d) The commission shall, pursuant to section 81-814.02, establish and charge a fee of not less than twenty dollars and not more than twenty-five dollars for residents and not less than one hundred dollars and not more than one hundred thirty dollars for nonresidents for each permit issued under this subsection.

(e) The commission may issue nonresident permits only after a reasonable period has first been provided solely for issuance of resident permits, and if the commission issues nonresident permits, the issuance of resident permits shall continue until permit quotas have been filled or a reasonable cutoff date reached. No permit shall be issued until after a reasonable period for making application, as established by the commission, has expired. When more valid applications are received for any management unit than there are permits available, such permits shall be allocated on the basis of a public drawing. All valid applications received during the predetermined application period shall be considered equally in any such public drawing without regard to time of receipt of such applications by the commission.

(f) No person shall be issued a permit to kill deer, antelope, or elk unless such person is at least fourteen years of age, except that any person who is fourteen or fifteen years of age shall only hunt deer, antelope, or elk when accompanied by a person twenty-one years of age or over.

(2) The commission may issue permits for the hunting and killing of antelope and may establish separate and, when necessary, different regulations therefor within the limitations prescribed in subsection (1) of this section for the taking of deer. The commission shall, pursuant to section 81-814.02, establish and charge a fee of not less than twenty dollars and not more than twenty-five dollars for residents and not less than one hundred dollars and not more than one

hundred thirty dollars for nonresidents for each permit issued under this subsection. The provisions for the distribution of deer permits and the authority of the commission to determine eligibility of applicants for permits as described in subsection (1) of this section shall also apply to the distribution of antelope permits.

(3) The commission may issue permits for the hunting and killing of elk and may establish separate and, when necessary, different regulations therefor within the limitations prescribed in subsection (1) of this section for the taking of deer. Permits to hunt and kill elk issued pursuant to this subsection shall not be issued to nonresidents. The commission shall, pursuant to section 81-814.02, establish and charge a nonrefundable application fee of not less than five dollars and not more than seven dollars and a fee of not less than one hundred dollars and not more than one hundred thirty dollars for each elk permit issued. A person may obtain only one elk permit in his or her lifetime, except that an applicant for a limited permit to hunt elk pursuant to section 37-215.03 may obtain such limited permit once every five years. The provisions for the distribution of deer permits and the authority of the commission to determine eligibility of applicants for permits as described in subsection (1) of this section shall also apply to elk permits.

(4)(a) Subject to rules and regulations adopted and promulgated by the commission, the secretary of the commission may designate special deer depredation seasons by executive order. The secretary may designate a depredation season whenever he or she determines that deer are causing excessive property damage. The secretary shall specify the number of permits to be issued, shooting hours, the length of the depredation season, and the geographic area in which hunting will be permitted. Each such permit shall give the holder the right to take one deer. Hunting during a special depredation season shall be limited to residents and shall be restricted to firearms which are permissible for use during the regular deer season.

(b) The depredation season may commence not less than five days after the first public announcement that the depredation season has been established. Permits shall be issued beginning not less than three days after the first public announcement of the depredation season and shall be issued in an impartial manner at a location determined by the secretary. The commission shall, pursuant to section 81-814.02, establish and charge a fee of not less than twenty dollars and not more than twenty-five dollars for a special depredation season permit. Fifty percent of the fee shall be paid by the commission to a landowner or operator within the

designated area upon satisfactory proof a deer was killed upon his or her farm or ranch during the special depredation season. Receipt of a depredation season permit shall not in any way affect a person's eligibility for a regular season permit.

Sec. 5. That original sections 37-101, 37-102, and 37-215, Revised Statutes Supplement, 1993, are repealed.".

2. On page 1, strike beginning with "sections" in line 1 through line 6 and insert "sections 37-101, 37-102, and 37-215, Revised Statutes Supplement, 1993; to define and redefine terms; to change provisions relating to hunting permits; to harmonize provisions; and to repeal the original sections.".

The Wickersham motion to return prevailed with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1088. The Wickersham specific amendment, AM4578, found in this day's Journal, was adopted with 25 ayes, 2 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

Mmes. Hillman, Crosby, Messrs. Avery, Bernard-Stevens, Lynch, Engel, and Ashford asked unanimous consent to be excused until they return. No objections. So ordered.

WITHDRAW - Amendments to LB 741

Mr. Hall withdrew his amendments, AM2933 and AM3201, found in the Journal on pages 596 and 844, to LB 741.

MOTION - Return LB 741 to Select File

Mr. Wesely moved to return LB 741 to Select File for the following Wesely-Hall specific amendment:
AM2631

(Amendments to Final Reading copy)

1. Strike sections 1 and 2 and insert the following new sections:

"Section 1. That section 53-125, Revised Statutes Supplement, 1993, be amended to read as follows:

53-125. No license of any kind shall be issued to:

(1) ~~a~~ A person who is not a resident of ~~the county in which the premises covered by the license are located~~ Nebraska, except in case of railroad, airline, or boat licenses; ;

(2) a A person who is not of good character and reputation in the community in which he or she resides; ;

(3) a A person who is not a citizen of the United States; ;

(4) a A person who has been convicted of or has pleaded guilty to a felony under the laws of this state, any other state, or the United States; ;

(5) a A person who has been convicted of or has pleaded guilty to any Class I misdemeanor pursuant to Chapter 28, article 3, 4, 7, 8, 10, 11, or 12, or any similar offense under a prior criminal statute or in another state, except that any additional requirements imposed by this subdivision on May 18, 1983, shall not prevent any person holding a license on such date from retaining or renewing such license if the conviction or plea occurred prior to May 18, 1983; ;

(6) a A person whose license issued under the Nebraska Liquor Control Act has been revoked for cause; ;

(7) a A person who at the time of application for renewal of any license issued under the act would not be eligible for such license upon initial application; ;

(8) a A partnership, unless one of the partners is a resident of ~~the county in which the premises covered by the license are located~~ Nebraska and unless all the members of such partnership are otherwise qualified to obtain a license; ;

(9) a A limited liability company, unless one of the members is a resident of ~~the county in which the premises covered by the license are located~~ Nebraska and unless all the members of such company are otherwise qualified to obtain a license; ;

(10) a A corporation, if any officer, manager, or director of the corporation or any stockholder owning in the aggregate more than twenty-five percent of the stock of such corporation would be ineligible to receive a license under this section for any reason other than the reasons stated in subdivisions (1) and (3) of this section, except that ~~this~~ a manager of a corporate licensee shall be a resident of Nebraska. This subdivision shall not apply to railroad licenses; ;

(11) a A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee; ;

(12) a A person who does not own the premises for which a license is sought or does not have a lease or a combination of leases on such premises for the full period for which the license is to be issued; ;

(13) ~~except~~ Except as provided in this subdivision, an applicant whose spouse is ineligible under this section to receive and hold a liquor license. Such applicant shall

become eligible for a liquor license only if the commission finds from the evidence that the public interest will not be infringed upon if such license is granted. It shall be prima facie evidence that when a spouse is ineligible to receive a liquor license the applicant is also ineligible to receive a liquor license. Such prima facie evidence shall be overcome if it is shown to the satisfaction of the commission (a) that the licensed business will be the sole property of the applicant and (b) that such licensed premises will be properly operated; ~~,~~

(14) ~~a~~ A person seeking a license for premises which do not meet standards for fire safety as established by the State Fire Marshal; ~~,~~

(15) ~~a~~ A law enforcement officer, except that this subdivision shall not prohibit a law enforcement officer from holding membership in any nonprofit organization holding a liquor license or from participating in any manner in the management or administration of a nonprofit organization; ~~,~~ or

(16) ~~a~~ A person less than twenty-one years of age.

When a trustee is the licensee, the beneficiary or beneficiaries of the trust shall comply with the requirements of this section, but nothing in this section shall prohibit any such beneficiary from being a minor or a person who is mentally incompetent.

Sec. 2. That section 53-129, Revised Statutes Supplement, 1993, be amended to read as follows:

53-129. Retail and bottle club licenses issued under the Nebraska Liquor Control Act shall apply only to that part of the premises described in the application and in the license issued thereon, and only one location shall be so described in each license. After such license has been granted for particular premises, the local governing body may endorse upon the license permission to add to, delete from, or abandon the premises described in such license and if applicable ~~remove~~ to move from the premises to other premises approved by ~~it~~ the local governing body, but in order to obtain such approval, the retail or bottle club licensee shall file with the local governing body a request in writing and a statement under oath which ~~shall show~~ shows that the premises as added to or deleted from, or to which ~~removal~~ such move is to be made, comply in all respects with the requirements of the act. No such addition, deletion, or ~~removal~~ move shall be made by any such licensee until his or her license has been endorsed to that effect in writing by the local governing body and the licensee furnishes proof of payment of the state registration fee prescribed in section 53-131.".

2. On page 1, line 1, strike "53-125,"; in line 2 strike the first comma; and strike beginning with "section" in line 3 through "Session" in line 5 and insert "sections 53-125

and 53-129, Revised Statutes Supplement".

3. On page 10, line 8, strike "1993" and insert "1994"; in line 9 strike "53-125," and the second comma; and strike beginning with "section" in line 10 through "Session" in line 12 and insert "sections 53-125 and 53-129, Revised Statutes Supplement".

The Wesely motion to return prevailed with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 741. The Wesely-Hall specific amendment, AM2631, found in this day's Journal, was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for reengrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: 140A, 902, and 1087.

Correctly Engrossed

The following bills and resolution were correctly engrossed: LB 961, LB 1210, LB 1210A, and LR 293CA.

Enrollment and Review Change to LB 961

The following changes, required to be reported for publication in the Journal, have been made:
ER7494

1. On page 1, the matter beginning with "sections" in line 1 through line 5 and all amendments thereto have been struck and "section 77-202, Revised Statutes Supplement, 1992, and sections 66-1344, 66-1345, 66-1347, 77-2602, and 77-4401, Revised Statutes Supplement, 1993; to change provisions relating to ethanol production credits; to provide powers for the Tax Commissioner relating to the credits; to provide and change funding of the credits; to require projections and reports relating to the credits; to provide for employment of Nebraska residents as prescribed; to create funds and provide for their use; to define a term; to exempt livestock from personal property taxation; to change the distribution of cigarette tax

revenue and provide for use of the distributions; to create a commission and provide duties; to change provisions relating to the fertilizer fee; to provide operative dates; to provide severability; and to repeal the original sections." has been inserted.

2. In lieu of the Robinson amendment, FA573, in the Ashford et al. amendment, AM4541:

a. On page 6, line 24, the stricken matter has been reinstated;

b. On page 7, lines 2 through 5, the new matter has been struck; and

c. On page 16, line 17, an underscored comma has been inserted after "council".

Enrollment and Review Change to LB 1210

The following changes, required to be reported for publication in the Journal, have been made:

ER7490

1. In the McKenzie amendment, AM4480:

a. Sections 180 to 187 have been renumbered as sections 182 to 189;

b. On page 1, line 14, "this article" has been struck, shown as stricken, and "the Uniform Controlled Substances Act" inserted;

c. On page 13, lines 25 and 26, "as defined under section 71-2017.01" has been struck; and in line 27 "as" has been struck;

d. On page 14, line 1 has been struck and ", and a nursing facility, as such terms are" inserted; and

e. On page 14, line 14; and page 16, line 11; "this act" has been struck and "the Emergency Box Drug Act" inserted.

2. In the Wesely amendment, AM4530, section 178 has been renumbered as section 181.

3. In the E & R amendments, AM5743:

a. Section 178 has been struck and the following new section inserted:

"Sec. 190. Sections 1, 2, 6, 7, 9, 14, 16, 18, 19, 23, 46, 55, 63 to 93, 95 to 109, 157, 159 to 161, and 192 of this act shall become operative on September 1, 1994. Sections 166 to 180 of this act shall become operative on October 1, 1995. Sections 21, 56, 113, 115 to 121, 145 to 147, 181, 190, 191, 193, and 195 shall become operative on their effective date. The other sections of this act shall become operative three calendar months after the adjournment of this legislative session.";

b. On page 106, line 23, "act" has been struck and "section" inserted;

c. On page 217, line 12, "act" has been struck and "Environmental Lead Hazard Control Act" inserted; and line 14 has been struck and "act; and" inserted;

d. On page 232, line 3, "and" has been struck; in line 4 "and section 115, Legislative Bill 1223, Ninety-third Legislature, Second Session,

1994," has been inserted before "are"; and in line 16 "71-5135," has been inserted before "71-5137";

e. On page 233, line 1, "28-407," has been inserted after the first comma; in line 18 "and" has been struck; in line 20 "71-1,142," has been inserted before "71-1,147.34"; in line 22 "71-2023," has been inserted before "71-2073"; and in line 24 ", and section 115, Legislative Bill 1223, Ninety-third Legislature, Second Session, 1994" has been inserted after "1993"; and

f. On page 234, line 21, "and" has been struck and a comma inserted and ", and the Emergency Box Drug Act" has been inserted before the semicolon.

(Signed) Janis M. McKenzie, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Kristensen asked unanimous consent to print the following amendment to LR 15CA in the Journal. No objections. So ordered.

AM4579

1. Strike sections 1 and 2 and all amendments thereto and insert the following new sections:

"Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article III, section 14:

III-14 'Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member. The ~~, and the~~ bill and all amendments thereto shall be printed, presented, and read at large before the vote is taken upon its final passage. The final reading of a bill may be suspended by a vote of three-fifths of all members elected to the Legislature. If the bill and all amendments are not read, the Legislature shall present a summary to all members prior to the final vote. No ~~such~~ vote upon the final passage of any bill shall be taken~~, however,~~ until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the ~~same~~ subject shall be clearly expressed in the title. ~~And no~~ No law shall be amended unless the new act shall contain the section or sections as amended and the section or sections so amended shall be repealed. The Lieutenant Governor, or the Speaker if acting as presiding

officer, shall sign, in the presence of the Legislature while the same is in session and capable of transacting business, all bills and resolutions passed by the Legislature.'.

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

'A constitutional amendment to authorize the Legislature to allow the Legislature to suspend final reading of a bill by a three-fifths vote of the members elected to the Legislature.

For

Against'.".

SELECT FILE

LEGISLATIVE BILL 944. Ms. Schimek withdrew her amendment, AM4352, found in the Journal on page 1868.

Mr. Warner withdrew his amendment, AM4401, printed separately from the Journal and referred to on page 1878.

MR. HALL PRESIDING

Mr. Beutler renewed his pending amendment, AM4408, found in the Journal on page 1885.

Mr. Lindsay asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schellpeper offered the following amendment to the Beutler pending amendment:
FA580

Strike "solicit or" on line 4 & 5 to amendment AM4408 & in line 10 as well.

Mr. Schellpeper moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Schellpeper amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

The Beutler amendment, as amended, was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Mr. Lynch offered the following amendment:
AM4563

(Amendments to E & R amendments, AM5742)

1. Insert the following new sections:

"Sec. 2. That section 49-1436, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1436. Official in the executive branch shall mean an official holding a state executive office as provided in Article IV, Constitution of Nebraska, including Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, Tax Commissioner, the heads of such other executive departments as set forth in the Constitution or as may be established by law, a deputy thereto, or a member of any state board or commission or an administrator, a faculty member, or a staff member of a state college or the state university. This includes an individual who is elected or appointed and has not yet taken, or an individual who is nominated for appointment to, any of the offices enumerated in this section.

Sec. 7. That section 49-1493, Revised Statutes Supplement, 1992, be amended to read as follows:

49-1493. The individuals listed in subdivisions (1) to ~~(11)~~ (12) of this section shall file with the commission a statement of financial interests as provided in sections 49-1496 and 49-1497 for the preceding calendar year on or before April 1 of each year in which such individual holds such a position. An individual who leaves office shall, within thirty days after leaving office, file a statement covering the period since the previous statement was filed. Disclosure of the interest named in sections 49-1496 to 49-1498 shall be made by:

(1) An individual holding a state executive office as provided in Article IV of the Constitution of Nebraska, including the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, Tax Commissioner, and heads of such other executive departments as set forth in the Constitution or as may be established by law;

(2) An individual holding the office of Commissioner of Education, member of the State Board of Education, member of the Board of Regents of the University of Nebraska, or member of the Coordinating Commission for Postsecondary Education;

(3) A member of the Board of Parole;

(4) A member of the Public Service Commission;

(5) A member of the Legislature;

(6) A member of the board of directors or an officer of a district organized under the provisions of Chapter 70;

(7) A member of any board or commission of the state or any county which examines or licenses a business, trade, or profession or which determines rates for or otherwise

regulates a business;

(8) A member of a land-use planning commission, zoning commission, or authority of the state or any county with a population of more than one hundred thousand inhabitants;

(9) An elected official of a city of the primary or metropolitan class;

(10) An elected county official; ~~and~~

(11) An official or employee of the state designated by rules and regulations of the commission who is responsible for taking or recommending official action of a nonministerial nature with regard to:

(a) Contracting or procurement;

(b) Administering or monitoring grants or subsidies;

(c) Land-use planning or zoning;

(d) Inspecting, licensing, regulating, or auditing any person; or

(e) Any similar action; and

(12) An individual holding an administrative or faculty position with a state college or the state university.

Sec. 8. (1) Any entity doing business with a government body, or anyone acting on behalf of such entity, shall not give a gift to any employee of a government body or any member of an employee's immediate family. Any person who knowingly gives a gift in violation of this subsection shall be guilty of a Class III misdemeanor.

(2) An employee of a government body or a member of such employee's immediate family shall not solicit or accept a gift in violation of subsection (1) of this section. Any person who knowingly solicits or accepts a gift in violation of this subsection shall be guilty of a Class III misdemeanor.

(3) For purposes of this section, gift shall mean a payment, subscription, advance, forbearance, or honorarium or the rendering or deposit of money, services, or anything of value, the value of which exceeds twenty-five dollars in any one month, unless consideration of equal or greater value is received therefor. Gift shall not include:

(a) A commercially reasonable loan made in the ordinary course of business;

(b) A gift received from a member of the person's immediate family, a relative, or the spouse of any such relative;

(c) A breakfast, luncheon, dinner, or other refreshments consisting of food and beverage provided for immediate consumption;

(d) Admissions to state-regulated industries, facilities, or events; or

(e) The occasional provision of transportation within the State of Nebraska to an employee of a government

entity.".

2. On page 1, lines 5 and 6, strike "section 3" and insert "sections 4 and 8".

3. On page 5, lines 4 and 18, after "Legislature" insert ", a member of the Board of Regents of the University of Nebraska, a board member of a natural resources district, a member of the Public Service Commission"; and in line 13 after "either" insert ", or any head of a state administrative department or his or her staff, administrator, faculty member, or staff member of a state college or the state university, or any commissioner of the State Highway Commission,".

4. On page 9, line 6, after "original" insert "section 49-1436, Reissue Revised Statutes of Nebraska, 1943,"; and in line 7 strike the first "and" and after the first comma insert "and 49-1493,".

5. Renumber the remaining sections accordingly.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Bromm moved the previous question. The question is, "Shall the debate now close?"

Mr. Bromm moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Bromm requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 19:

Abboud	Bromm	Hall	Monen	Wehrbein
Ashford	Byars	Janssen	Preister	Wesely
Avery	Cudaback	Jones	Schimek	Withem
Beutler	Engel	Kristensen	Warner	

Voting in the negative, 15:

Bernard-Stevens	Fisher	Matzke	Pirsch	Vrtiska
	Hudkins	Moore	Robinson	Wickersham
Coordsen	Lynch	Pedersen	Schellpeper	Witek
Crosby				

Present and not voting, 9:

Bohlke	Dierks	Hartnett	McKenzie	Schmitt
Day	Elmer	Hillman	Rasmussen	

Excused and not voting, 6:

Chambers	Landis	Lindsay	Robak	Will
Haberman				

The motion to cease debate lost with 19 ayes, 15 nays, 9 present and not voting, and 6 excused and not voting.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion lost with 8 ayes, 15 nays, and 26 not voting.

Pending.

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 1352. Placed on General File.

(Signed) Don Wesely, Chairperson

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 358. With Emergency.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to provide powers and duties; to provide a civil penalty for motor carriers; to provide for service of notices and orders; to provide for a hearing; to provide for an appeal; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Abboud	Crosby	Hillman	McKenzie	Schmitt
Avery	Cudaback	Hudkins	Monen	Vrtiska
Bernard-Stevens	Day	Janssen	Moore	Warner
Beutler	Dierks	Jones	Pirsch	Wehrbein
Bohlke	Elmer	Kristensen	Preister	Wesely
Byars	Engel	Landis	Rasmussen	Wickersham
Coordsen	Fisher	Lynch	Schellpeper	Witek
	Hartnett			

Voting in the negative, 2:

Ashford Hall

Present and not voting, 6:

Bromm Pedersen Robinson Schimek Withem
Matzke

Excused and not voting, 5:

Chambers Haberman Lindsay Robak Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 779 to Select File

Mr. Moore moved to return LB 779 to Select File for the following specific amendment:
FA581
Strike the enacting clause.

Mr. Hall asked unanimous consent to pass over LB 779. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1290. With Emergency.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-3509.02, 79-3803, 79-3807 to 79-3809, and 79-3813, Revised Statutes Supplement, 1992, and sections 43-2513, 79-3806, and 79-3824, Revised Statutes Supplement, 1993; to define and redefine terms; to change provisions relating to equalization aid and state aid for schools for certain years; to change provisions relating to adjusted valuations of property for determining state aid to schools and to provide for notice, hearings, and appeals of such adjusted valuations; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud	Coordsen	Hartnett	Moore	Schmitt
Ashford	Crosby	Hillman	Pedersen	Vrtiska
Avery	Cudaback	Hudkins	Pirsch	Warner
Bernard-Stevens	Day	Janssen	Preister	Wehrbein
Beutler	Dierks	Kristensen	Rasmussen	Wesely
Bohlke	Elmer	Landis	Robinson	Wickersham
Bromm	Engel	Lynch	Schellpeper	Witek
Byars	Fisher	Monen	Schimek	Withem
	Hall			

Voting in the negative, 0.

Present and not voting, 3:

Jones	Matzke	McKenzie

Excused and not voting, 5:

Chambers	Haberman	Lindsay	Robak	Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Suspend Rules

Mrs. Rasmussen moved to suspend the rules, Rule 6, Section 7(b) to permit consideration of the bills under item 13 of the agenda.

The Rasmussen motion to suspend the rules prevailed with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 446.

A BILL FOR AN ACT relating to state administrative departments; to amend sections 84-905.01, 84-906, 84-907, 84-909, 84-911, 84-914, and 84-920, Reissue Revised Statutes of Nebraska, 1943, section 84-205, Revised Statutes Supplement, 1992, and section 84-901, Reissue Revised Statutes of Nebraska, 1943, as amended by section 135, Legislative Bill 414, Ninety-third Legislature, Second Session,

1994; to adopt the Negotiated Rulemaking Act; to provide duties for the Attorney General and the Secretary of State; to define terms; to change provisions relating to the adoption of rules and regulations, procedures before state administrative departments, and declaratory orders; to provide duties and qualifications for hearing officers; to eliminate provisions relating to amendments to rules and regulations; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 84-910 and 84-912, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud	Coordsen	Hillman	Moore	Schimek
Ashford	Cudaback	Hudkins	Pedersen	Schmitt
Avery	Day	Janssen	Pirsch	Vrtiska
Bernard-Stevens	Dierks	Kristensen	Preister	Wehrbein
Bohlke	Elmer	Landis	Rasmussen	Wickersham
Bromm	Engel	Lynch	Robinson	Witek
Byars	Fisher	McKenzie	Schellpeper	Withem
	Hartnett			

Voting in the negative, 0.

Present and not voting, 7:

Beutler	Jones	Monen	Warner	Wesely
Hall	Matzke			

Excused and not voting, 6:

Chambers	Haberman	Lindsay	Robak	Will
Crosby				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Hartnett asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 446A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 446, Ninety-third Legislature, Second Session, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud	Coordsen	Hillman	Monen	Schimek
Ashford	Cudaback	Hudkins	Moore	Schmitt
Avery	Day	Janssen	Pedersen	Vrtiska
Bernard-Stevens	Dierks	Kristensen	Pirsch	Wehrbein
	Elmer	Landis	Preister	Wickersham
Bohlke	Engel	Lynch	Rasmussen	Witek
Bromm	Fisher	Matzke	Schellpeper	Withem
Byars	Hall	McKenzie		

Voting in the negative, 0.

Present and not voting, 5:

Beutler	Jones	Robinson	Warner	Wesely

Excused and not voting, 7:

Chambers	Haberman	Lindsay	Robak	Will
Crosby	Hartnett			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 974. With Emergency.

A BILL FOR AN ACT relating to secured transactions; to amend sections 9-306 and 9-402, Uniform Commercial Code; to prohibit an implied authority to sell, exchange, or dispose of farm products held as collateral as prescribed; to prohibit a waiver of a security interest in farm products as prescribed; to change a provision relating to a financing statement; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Abboud	Ashford	Avery

Bernard-Stevens	Day	Kristensen	Pedersen	Vrtiska
Beutler	Dierks	Landis	Pirsch	Warner
Bohlke	Elmer	Lynch	Preister	Wehrbein
Bromm	Fisher	Matzke	Robinson	Wesely
Byars	Hall	McKenzie	Schellpeper	Wickersham
Coordsen	Hillman	Monen	Schimek	Witek
Cudaback	Hudkins	Moore	Schmitt	Withem
	Janssen			

Voting in the negative, 0.

Present and not voting, 2:

Jones Rasmussen

Excused and not voting, 8:

Chambers	Engel	Hartnett	Robak	Will
Crosby	Haberman	Lindsay		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 974A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 974 Ninety-third Legislature, Second Session, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud	Byars	Hillman	Monen	Schmitt
Ashford	Coordsen	Hudkins	Moore	Vrtiska
Avery	Cudaback	Janssen	Pedersen	Warner
Bernard-Stevens	Day	Kristensen	Pirsch	Wehrbein
Beutler	Dierks	Landis	Preister	Wesely
Bohlke	Elmer	Lynch	Robinson	Wickersham
Bromm	Fisher	Matzke	Schellpeper	Witek
	Hall	McKenzie	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 2:

Jones Rasmussen

Excused and not voting, 8:

Chambers	Engel	Hartnett	Robak	Will
Crosby	Haberman	Lindsay		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1035. With Emergency.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-716 and 28-717, Reissue Revised Statutes of Nebraska, 1943, sections 28-101, 28-710, and 28-726, Revised Statutes Supplement, 1992, and section 28-714, Revised Statutes Supplement, 1993; to require notice of the determination and results of cases relating to abused and neglected children; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud	Coordsen	Hudkins	Moore	Schmitt
Ashford	Cudaback	Janssen	Pedersen	Vrtiska
Avery	Day	Kristensen	Pirsch	Warner
Bernard-Stevens	Dierks	Landis	Preister	Wehrbein
Beutler	Elmer	Lynch	Rasmussen	Wesely
Bohlke	Fisher	Matzke	Robinson	Wickersham
Bromm	Hall	McKenzie	Schellpeper	Witek
Byars	Hillman	Monen	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 1:

Jones

Excused and not voting, 8:

Chambers	Engel	Hartnett	Robak	Will
Crosby	Haberman	Lindsay		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1035A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1035, Ninety-third Legislature, Second Session, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud	Byars	Hudkins	Moore	Vrtiska
Ashford	Coordsen	Janssen	Pedersen	Warner
Avery	Cudaback	Kristensen	Pirsch	Wehrbein
Bernard-Stevens	Day	Landis	Preister	Wesely
	Dierks	Lynch	Rasmussen	Wickersham
Beutler	Elmer	Matzke	Robinson	Witek
Bohlke	Hall	McKenzie	Schellpeper	Withem
Bromm	Hillman	Monen	Schmitt	

Voting in the negative, 0.

Present and not voting, 3:

Fisher	Jones	Schimek

Excused and not voting, 8:

Chambers	Engel	Hartnett	Robak	Will
Crosby	Haberman	Lindsay		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1071. With Emergency.

A BILL FOR AN ACT relating to the Department of Agriculture; to amend sections 81-2,172 and 81-2,174, Reissue Revised Statutes of Nebraska, 1943, and sections 81-2,165 to 81-2,171, 81-2,173, 81-2,176, 81-2,177.01, and 81-2,179, Revised Statutes Supplement, 1992; to state intent; to change duties of the department and to provide duties for the University of Nebraska; to define and redefine terms; to change provisions relating to inspection, certification, and registration by beekeepers; to change fees for apiary certificates and registration; to

eliminate the State Apiarist; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Abboud	Byars	Hillman	Moore	Vrtiska
Ashford	Chambers	Hudkins	Pedersen	Warner
Avery	Coordsen	Janssen	Pirsch	Wehrbein
Bernard-Stevens	Cudaback	Jones	Preister	Wesely
	Day	Kristensen	Rasmussen	Wickersham
Beutler	Dierks	Landis	Robinson	Witek
Bohlke	Elmer	Matzke	Schimek	Withem
Bromm	Fisher	Monen	Schmitt	

Voting in the negative, 0.

Present and not voting, 4:

Hall	Lynch	McKenzie	Schellpeper

Excused and not voting, 7:

Crosby	Haberman	Lindsay	Robak	Will
Engel	Hartnett			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1071A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1993, LB 541, section 63; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1071, Ninety-third Legislature, Second Session, 1994; to reduce appropriations; to state intent; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Abboud	Avery

Bernard-Stevens	Cudaback	Jones	Pirsch	Vrtiska
Beutler	Day	Kristensen	Preister	Warner
Bohlke	Dierks	Landis	Rasmussen	Wehrbein
Bromm	Elmer	Matzke	Robinson	Wesely
Byars	Fisher	Monen	Schellpeper	Wickersham
Chambers	Hillman	Moore	Schimek	Witek
Coordsen	Hudkins	Pedersen	Schmitt	Withem
	Janssen			

Voting in the negative, 0.

Present and not voting, 4:

Ashford	Hall	Lynch	McKenzie

Excused and not voting, 7:

Crosby	Haberman	Lindsay	Robak	Will
Engel	Hartnett			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1161.

A BILL FOR AN ACT relating to schools and school districts; to state intent; and to require adoption and review of policies relating to parental involvement in educational practices as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud	Byars	Hall	McKenzie	Schmitt
Ashford	Chambers	Hillman	Monen	Vrtiska
Avery	Coordsen	Hudkins	Moore	Warner
Bernard-Stevens	Cudaback	Janssen	Pedersen	Wehrbein
Beutler	Day	Jones	Pirsch	Wesely
Bohlke	Dierks	Kristensen	Preister	Wickersham
Bromm	Elmer	Landis	Rasmussen	Witek
	Fisher	Matzke	Schimek	Withem

Voting in the negative, 1:

Robak

Present and not voting, 3:

Lynch	Robinson	Schellpeper

Excused and not voting, 6:

Crosby	Haberman	Hartnett	Lindsay	Will
Engel				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1188.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend section 18-2709, Revised Statutes Supplement, 1993; to redefine qualifying business; to define retail trade; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud	Coordsen	Janssen	Moore	Schmitt
Ashford	Day	Jones	Pedersen	Vrtiska
Avery	Dierks	Kristensen	Pirsch	Wehrbein
Bernard-Stevens	Elmer	Landis	Preister	Wesely
	Fisher	Matzke	Rasmussen	Wickersham
Bohlke	Hillman	McKenzie	Schellpeper	Witek
Bromm	Hudkins	Monen	Schimek	Withem
Byars				

Voting in the negative, 4:

Beutler	Chambers	Hall	Warner

Present and not voting, 4:

Cudaback	Lynch	Robak	Robinson

Excused and not voting, 6:

Crosby	Haberman	Hartnett	Lindsay	Will
Engel				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1222. With Emergency.

A BILL FOR AN ACT relating to insurance; to amend sections 48-144.03 and 71-2049, Reissue Revised Statutes of Nebraska, 1943, sections 44-210, 44-220, 44-221, 44-513, and 44-4228, Revised Statutes Supplement, 1992, and sections 44-760 and 44-1525, Revised Statutes Supplement, 1993; to adopt the Small Employer Health Insurance Availability Act; to adopt the Standardized Health Claim Form Act; to provide a penalty; to change a definition of group sickness and accident insurance; to require coverage for childhood immunizations; to provide for reimbursement for mental health practitioners; to provide additional Comprehensive Health Insurance Pool Act coverage; to change provisions relating to the organization of insurance companies, to unfair trade practices in the business of insurance, and to workers' compensation insurance cancellation; to eliminate the Hospital Consumer Information Act and the Small Employer Health Insurance Act; to harmonize provisions; to provide operative dates; to provide severability; and to repeal the original sections, and also sections 71-2062 to 71-2066, 71-2068 to 71-2072, 71-2074, and 71-2077, Reissue Revised Statutes of Nebraska, 1943, sections 44-5201 to 44-5213 and 44-5215 to 44-5222, Revised Statutes Supplement, 1992, and sections 44-5214, 71-2067, and 71-2073, Revised Statutes Supplement, 1993; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud	Chambers	Hudkins	Pedersen	Vrtiska
Ashford	Coordsen	Janssen	Pirsch	Warner
Avery	Cudaback	Jones	Preister	Wehrbein
Bernard-Stevens	Day	Kristensen	Rasmussen	Wesely
	Dierks	Landis	Robak	Wickersham
Beutler	Elmer	Lindsay	Schellpeper	Will
Bohlke	Fisher	Matzke	Schimek	Witek
Bromm	Hall	McKenzie	Schmitt	Withem
Byars	Hillman	Monen		

Voting in the negative, 0.

Present and not voting, 3:

Lynch	Moore	Robinson

Excused and not voting, 4:

Crosby Engel Haberman Hartnett

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1222A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1222, Ninety-third Legislature, Second Session, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Chambers	Hudkins	Moore	Vrtiska
Ashford	Coordsen	Janssen	Pedersen	Warner
Avery	Cudaback	Jones	Pirsch	Wehrbein
Bernard-Stevens	Day	Kristensen	Rasmussen	Wesely
	Dierks	Landis	Robak	Wickersham
Beutler	Elmer	Lindsay	Schellpeper	Will
Bohlke	Fisher	Matzke	Schimek	Witek
Bromm	Hall	McKenzie	Schmitt	Withem
Byars	Hillman	Monen		

Voting in the negative, 0.

Present and not voting, 3:

Lynch Preister Robinson

Excused and not voting, 4:

Crosby Engel Haberman Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 630.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 16-404, 17-614, 19-903, and 31-766, Reissue Revised Statutes of Nebraska, 1943, and section 19-929, Revised Statutes Supplement, 1993; to define terms; to provide duties and limitations for certain municipalities annexing territory; to change provisions relating to the comprehensive development plan; to change provisions relating to

annexation of sanitary and improvement districts as provided; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Coordsen	Janssen	Moore	Vrtiska
Avery	Cudaback	Jones	Pedersen	Warner
Bernard-Stevens	Day	Kristensen	Pirsch	Wehrbein
Beutler	Dierks	Landis	Preister	Wesely
Bohlke	Elmer	Lindsay	Rasmussen	Wickersham
Bromm	Fisher	Lynch	Robak	Will
Byars	Hall	Matzke	Schellpeper	Witek
Chambers	Hillman	McKenzie	Schimek	Withem
	Hudkins	Monen	Schmitt	

Voting in the negative, 0.

Present and not voting, 2:

Ashford Robinson

Excused and not voting, 4:

Crosby Engel Haberman Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 967.

A BILL FOR AN ACT relating to interest, loans, and debt; to amend section 45-127, Reissue Revised Statutes of Nebraska, 1943, and section 45-101.04, Revised Statutes Supplement, 1993; to adopt the Delayed Deposit Services Licensing Act; to provide penalties; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Avery	Bernard-Stevens	Beutler	Bromm
Ashford			Bohlke	Byars

Coordsen	Hall	Lindsay	Pirsch	Warner
Cudaback	Hillman	Lynch	Preister	Wehrbein
Day	Hudkins	Matzke	Rasmussen	Wesely
Dierks	Janssen	McKenzie	Robinson	Wickersham
Elmer	Jones	Monen	Schellpeper	Will
Engel	Kristensen	Moore	Schmitt	Witek
Fisher	Landis	Pedersen	Vrtiska	Withem

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Robak Schimek

Excused and not voting, 3:

Crosby Haberman Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PROPOSED RULE CHANGE

Mr. Jones asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

Amend Rule 2, Section 10, to read as follows:
Sec. 10. Time Limit on Speaking. Each member other than the mover, proposer, or introducer of a proposition, shall be allowed to speak up to three times for not more than five minutes on each occasion, upon any one question in deliberation during the legislative day, without leave of the Legislature~~, unless he or she be the mover, proposer, or introducer of the matter pending in which case he or she shall be permitted to speak in reply, but not until every other member choosing to speak shall have spoken~~. Provided, however, the mover, proposer, or introducer of the matter pending may speak for ten minutes when he or she first presents the matter to the Legislature, and for five minutes to close on the proposition just prior to the vote. The mover, proposer or introducer of a proposition shall only be permitted to speak up to three additional times if they are preceded by at least one intervening speaker. The introducer may also respond to an inquiry by another member or may be granted time to speak by another member.

Referred to the Rules Committee.

PRESIDENT ROBAK PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 408.

A BILL FOR AN ACT relating to open burning; to amend section 81-520.01, Reissue Revised Statutes of Nebraska, 1943, and section 81-520.02, Revised Statutes Supplement, 1992; to change provisions relating to permits and a ban; to define a term; to provide for rules and regulations and for a fee; to provide for range-management burning by permit as prescribed; to change a penalty; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Cudaback	Janssen	Moore	Schmitt
Avery	Day	Jones	Pedersen	Vrtiska
Bernard-Stevens	Dierks	Kristensen	Pirsch	Warner
	Elmer	Landis	Preister	Wehrbein
Beutler	Engel	Lindsay	Rasmussen	Wesely
Bohlke	Fisher	Lynch	Robak	Wickersham
Bromm	Hall	Matzke	Robinson	Will
Byars	Hillman	McKenzie	Schellpeper	Witek
Coordsen	Hudkins	Monen	Schimek	

Voting in the negative, 0.

Present and not voting, 3:

Ashford	Chambers	Withem

Excused and not voting, 3:

Crosby	Haberman	Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 882.

A BILL FOR AN ACT relating to fences; to amend sections 34-106, 34-107, 34-108, 34-110, and 34-111, Reissue Revised Statutes of Nebraska, 1943; to change the method of selecting fence viewers; to change a fee; to change the procedure for assessment and collection of

damages; to eliminate a provision relating to the recovery of damages; and to repeal the original sections, and also section 34-114, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Chambers	Hillman	McKenzie	Schellpeper
Ashford	Coordsen	Hudkins	Monen	Schimek
Avery	Cudaback	Janssen	Moore	Schmitt
Bernard-Stevens	Day	Jones	Pedersen	Warner
Beutler	Dierks	Kristensen	Pirsch	Wehrbein
Bohlke	Elmer	Landis	Preister	Wesely
Bromm	Engel	Lindsay	Rasmussen	Wickersham
Byars	Fisher	Lynch	Robak	Will
	Hall	Matzke	Robinson	Witek

Voting in the negative, 0.

Present and not voting, 2:

Vrtiska Withem

Excused and not voting, 3:

Crosby Haberman Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 900.

A BILL FOR AN ACT relating to drug dispensing; to amend section 71-1,143, Reissue Revised Statutes of Nebraska, 1943, and sections 71-101, 71-1,142, 71-1,147, 71-1,147.10, 71-1,147.13, 71-1,147.33, and 71-1,147.36, Revised Statutes Supplement, 1993; to define and redefine terms; to require certain public health clinics to have drug dispensing permits; to provide for fees and costs; to provide enforcement and disciplinary procedures and penalties; to provide for notice and a hearing; to provide powers and duties for the Director of Health and the Attorney General; to provide for a formulary; to require consultant pharmacists at certain public health clinics; to provide for limitations on liability; to provide policies and conditions for the dispensing of drugs and devices by public health clinics; to provide qualifications for public health clinic workers; to provide training and proficiency demonstration requirements; to create and provide powers and duties

for the Formulary Advisory Committee; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Coordsen	Janssen	Moore	Schmitt
Ashford	Cudaback	Jones	Pedersen	Vrtiska
Avery	Day	Kristensen	Pirsch	Warner
Bernard-Stevens	Dierks	Landis	Preister	Wehrbein
Beutler	Elmer	Lindsay	Rasmussen	Wesely
Bohlke	Engel	Lynch	Robak	Wickersham
Bromm	Fisher	Matzke	Robinson	Will
Byars	Hall	McKenzie	Schellpeper	Witek
Chambers	Hillman	Monen	Schimek	Withem
	Hudkins			

Voting in the negative, 0.

Excused and not voting, 3:

Crosby	Haberman	Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 900A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 900, Ninety-third Legislature, Second Session, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Byars	Fisher	Lindsay	Robinson
Ashford	Chambers	Hall	Lynch	Schellpeper
Avery	Coordsen	Hillman	McKenzie	Schmitt
Bernard-Stevens	Cudaback	Hudkins	Monen	Vrtiska
Beutler	Day	Janssen	Moore	Warner
Bohlke	Dierks	Jones	Pirsch	Wehrbein
Bromm	Elmer	Kristensen	Rasmussen	Wesely
	Engel	Landis	Robak	Wickersham

Will	Witek	Withem

Voting in the negative, 0.

Present and not voting, 4:

Matzke	Pedersen	Preister	Schimek

Excused and not voting, 3:

Crosby	Haberman	Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 358, 1290, 446, 446A, 974, 974A, 1035, 1035A, 1071, 1071A, 1161, 1188, 1222, 1222A, 630, and 967.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 907.

A BILL FOR AN ACT relating to false reporting; to amend section 28-907, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to false reporting; to provide for the offense of false reporting to governmental departments or agencies as prescribed; to provide a penalty; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud	Byars	Hudkins	Monen	Schmitt
Ashford	Coordsen	Janssen	Moore	Vrtiska
Avery	Cudaback	Jones	Pedersen	Warner
Bernard-Stevens	Day	Kristensen	Pirsch	Wehrbein
Beutler	Dierks	Landis	Robak	Wickersham
Bohlke	Elmer	Lynch	Robinson	Witek
Bromm	Engel	Matzke	Schellpeper	Withem
	Hillman			

Voting in the negative, 5:

Chambers	Hall	Rasmussen	Wesely	Will

Present and not voting, 5:

Fisher	Lindsay	McKenzie	Preister	Schimek

Excused and not voting, 3:

Crosby	Haberman	Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 981. With Emergency.

A BILL FOR AN ACT relating to water wells; to amend sections 46-1202 and 46-1234, Reissue Revised Statutes of Nebraska, 1943, and sections 46-602, 46-606, 46-659, 46-1201, 46-1203, 46-1224, 46-1227, 46-1240, and 46-1240.06, Revised Statutes Supplement, 1993; to provide for funding for a cost-sharing program for decommissioning illegal water wells as prescribed; to state intent; to create a fund; to change and eliminate provisions relating to registration and abandonment of water wells; to define terms; to change provisions relating to permits, fees, and rules and regulations; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Abboud	Byars	Hillman	Monen	Vrtiska
Ashford	Chambers	Hudkins	Moore	Wehrbein
Avery	Cudaback	Janssen	Pirsch	Wesely
Bernard-Stevens	Day	Jones	Rasmussen	Wickersham
	Elmer	Landis	Robinson	Will
Beutler	Engel	Lindsay	Schellpeper	Witek
Bohlke	Fisher	Lynch	Schimek	Withem
Bromm	Hall	McKenzie	Schmitt	

Voting in the negative, 0.

Present and not voting, 7:

Coordsen	Kristensen	Pedersen	Preister	Warner
Dierks	Matzke			

Excused and not voting, 4:

Crosby	Haberman	Hartnett	Robak

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 981A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 981, Ninety-third Legislature, Second Session, 1994; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Abboud	Chambers	Janssen	Monen	Schmitt
Ashford	Day	Jones	Moore	Vrtiska
Avery	Elmer	Landis	Pirsch	Wehrbein
Bernard-	Engel	Lindsay	Rasmussen	Wesely
Stevens	Fisher	Lynch	Robinson	Wickersham
Beutler	Hall	Matzke	Schellpeper	Will
Bohlke	Hillman	McKenzie	Schimek	Withem
Byars	Hudkins			

Voting in the negative, 0.

Present and not voting, 9:

Bromm	Cudaback	Kristensen	Preister	Witek
Coordsen	Dierks	Pedersen	Warner	

Excused and not voting, 4:

Crosby	Haberman	Hartnett	Robak

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1031. With Emergency.

A BILL FOR AN ACT relating to hazardous waste management; to amend section 81-1505, Revised Statutes Supplement, 1993; to require the Environmental Quality Council to establish a fee schedule in adopting regulations for hazardous waste management; to change provisions relating to such fee schedule; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud	Chambers	Hillman	McKenzie	Schmitt
Ashford	Coordsen	Hudkins	Moore	Vrtiska
Avery	Cudaback	Janssen	Pedersen	Warner
Bernard-Stevens	Day	Jones	Pirsch	Wehrbein
Beutler	Dierks	Kristensen	Rasmussen	Wickersham
Bohlke	Elmer	Landis	Robinson	Will
Bromm	Engel	Lindsay	Schellpeper	Witek
Byars	Fisher	Matzke	Schimek	Withem
	Hall			

Voting in the negative, 0.

Present and not voting, 4:

Lynch	Monen	Preister	Wesely

Excused and not voting, 4:

Crosby	Haberman	Hartnett	Robak

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1048.

A BILL FOR AN ACT relating to unclaimed property; to amend sections 69-1305, 69-1310, 69-1316, 69-1317, and 69-1329, Revised Statutes Supplement, 1993; to eliminate and change provisions relating to abandoned stock or other intangible ownership interests; to provide when certain property is deemed abandoned; to define terms; to

provide for aggregate reporting of de minimis amounts to the State Treasurer; to change provisions relating to the sale of abandoned property by the State Treasurer as prescribed; to provide for confidentiality of records; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud	Crosby	Hudkins	Pedersen	Warner
Ashford	Cudaback	Jones	Pirsch	Wehrbein
Bernard-Stevens	Day	Kristensen	Rasmussen	Wesely
	Dierks	Landis	Robinson	Wickersham
Beutler	Elmer	Lynch	Schellpeper	Will
Bohlke	Fisher	Matzke	Schimek	Witek
Bromm	Hall	McKenzie	Schmitt	Withem
Byars	Hillman	Moore	Vrtiska	

Voting in the negative, 0.

Present and not voting, 7:

Avery	Engel	Lindsay	Monen	Preister
Coordsen	Janssen			

Excused and not voting, 4:

Chambers	Haberman	Hartnett	Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1049.

A BILL FOR AN ACT relating to unclaimed property; to amend section 69-1317, Revised Statutes Supplement, 1993; to change provisions relating to confidentiality of records; to change provisions relating to a finders' fee; to delete obsolete provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud	Cudaback	Janssen	Pedersen	Vrtiska
Ashford	Day	Jones	Pirsch	Warner
Avery	Dierks	Kristensen	Preister	Wehrbein
Bernard-Stevens	Elmer	Landis	Rasmussen	Wesely
Bohlke	Fisher	Lynch	Robinson	Wickersham
Bromm	Hall	Matzke	Schellpeper	Will
Byars	Hillman	McKenzie	Schimek	Witek
Crosby	Hudkins	Moore	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 5:

Beutler	Coordsen	Engel	Lindsay	Monen

Excused and not voting, 4:

Chambers	Haberman	Hartnett	Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1165.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-304.01, 37-507.01, 37-511, 37-609, 37-707, and 46-801, Reissue Revised Statutes of Nebraska, 1943, sections 37-705, 37-706, and 37-711, Revised Statutes Supplement, 1992, and sections 2-5002, 2-5003, 2-5005, 37-101, 37-102, 37-111, 37-503, 37-505, 37-702, and 37-703, Revised Statutes Supplement, 1993; to change provisions relating to and to provide duties for the Nebraska Aquaculture Board; to change the number of members on the board; to define terms; to change provisions relating to bait vendors, commercial fish culturists, fish hatcheries, and fish culture permits; to provide for bait dealers, aquaculturists, commercial aquaculturists, and aquaculture facility permits; to provide for the reporting of pathogens and quarantine as prescribed; to provide for license revocation; to harmonize provisions; to eliminate obsolete provisions and provisions relating to game and fur farming and fish culture; and to repeal the original sections, and also sections 37-704, 37-708, 37-709, and 37-710, Reissue Revised Statutes of Nebraska, 1943, and section 2-5004, Revised Statutes Supplement, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Coordsen	Hillman	Monen	Schmitt
Ashford	Crosby	Hudkins	Moore	Vrtiska
Avery	Cudaback	Janssen	Pedersen	Warner
Bernard-Stevens	Day	Jones	Pirsch	Wehrbein
Beutler	Dierks	Kristensen	Preister	Wesely
Bohlke	Elmer	Landis	Rasmussen	Wickersham
Bromm	Engel	Lynch	Robinson	Will
Byars	Fisher	Matzke	Schellpeper	Witek
	Hall	McKenzie	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 1:

Lindsay

Excused and not voting, 4:

Chambers	Haberman	Hartnett	Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1236.

A BILL FOR AN ACT relating to the Nebraska State Historical Society; to amend section 82-101, Reissue Revised Statutes of Nebraska, 1943; to state intent; to recognize the Nebraska State Historical Society as a state agency; to require that all present and future collections of property be held in trust; to provide for the manner of governance; to provide powers and duties; to provide the selection method for the board of trustees; to change and eliminate provisions relating to sale or disposition of material in the society's collections; and to repeal the original section, and also section 82-108.01, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Bromm	Dierks	Hudkins	Matzke
Ashford	Byars	Elmer	Janssen	McKenzie
Avery	Coordsen	Engel	Jones	Monen
Bernard-Stevens	Crosby	Fisher	Kristensen	Moore
Bohlke	Cudaback	Hall	Landis	Pedersen
	Day	Hillman	Lynch	Pirsch

Preister	Schellpeper	Warner	Wesely	Will
Rasmussen	Schimek	Wehrbein	Wickersham	Witek
Robinson	Schmitt			

Voting in the negative, 0.

Present and not voting, 4:

Beutler	Lindsay	Vrtiska	Withem

Excused and not voting, 4:

Chambers	Haberman	Hartnett	Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1313.

A BILL FOR AN ACT relating to retail liquor licenses; to amend sections 9-823, 53-103, and 53-124, Revised Statutes Supplement, 1993; to change provisions relating to sales of lottery tickets as prescribed; to define a term; to provide for a sampling designation on Class C liquor licenses; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud	Coordsen	Hillman	Monen	Schmitt
Ashford	Cudaback	Hudkins	Moore	Warner
Avery	Day	Janssen	Pedersen	Wehrbein
Bernard-Stevens	Dierks	Jones	Pirsch	Wickersham
	Elmer	Kristensen	Rasmussen	Will
Bohlke	Engel	Matzke	Robinson	Witek
Bromm	Fisher	McKenzie	Schellpeper	Withem
Byars	Hall			

Voting in the negative, 7:

Beutler	Landis	Schimek	Vrtiska	Wesely
Crosby	Preister			

Present and not voting, 2:

Lindsay	Lynch

Excused and not voting, 4:

Chambers	Haberman	Hartnett	Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1313A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1313, Ninety-third Legislature, Second Session, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud	Coordsen	Hudkins	Monen	Schmitt
Ashford	Day	Janssen	Moore	Warner
Avery	Dierks	Kristensen	Pedersen	Wehrbein
Bernard-Stevens	Elmer	Landis	Pirsch	Wickersham
	Engel	Lynch	Rasmussen	Will
Bohlke	Fisher	Matzke	Robinson	Witek
Bromm	Hall	McKenzie	Schellpeper	Withem
Byars	Hillman			

Voting in the negative, 4:

Beutler	Crosby	Preister	Wesely

Present and not voting, 5:

Cudaback	Jones	Lindsay	Schimek	Vrtiska

Excused and not voting, 4:

Chambers	Haberman	Hartnett	Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 480.

A BILL FOR AN ACT relating to natural resources districts; to amend sections 2-3202, 2-3204, 2-3212.01, 2-3213, 2-3214, 2-3219, 2-3222, 2-3226, 2-3228, 2-3232, 2-3233, 2-3234, 2-3235, 2-3254, 2-4608, 2-4610, 46-629, and 77-27,137.02, Reissue Revised Statutes of

Nebraska, 1943, sections 2-3227, 46-673.14, and 46-674, Revised Statutes Supplement, 1992, and section 2-4603, Revised Statutes Supplement, 1993; to eliminate requirements for approval of changes in the number of directors, changes of boundaries of subdistricts, and changes in the manner of electing directors; to change authorized investments; to authorize adoption of flood control improvement corridor maps; to require building permits within the corridors; to state intent; to redefine terms; to change provisions relating to erosion and sediment control; to change provisions relating to amendment of ground water management plans; to provide for ineligibility for certain funds as prescribed; to require implementation of a ground water management plan addressing ground water quality; to eliminate a reporting requirement for certain fees; to harmonize provisions; and to repeal the original sections, and also section 2-3262, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Coordsen	Hudkins	Monen	Schmitt
Ashford	Crosby	Janssen	Moore	Vrtiska
Avery	Cudaback	Jones	Pedersen	Warner
Bernard-Stevens	Day	Kristensen	Pirsch	Wehrbein
	Dierks	Landis	Preister	Wesely
Beutler	Elmer	Lindsay	Rasmussen	Wickersham
Bohlke	Fisher	Lynch	Robinson	Will
Bromm	Hall	Matzke	Schellpeper	Witek
Byars	Hillman	McKenzie	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 1:

Engel

Excused and not voting, 4:

Chambers	Haberman	Hartnett	Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 408, 882, 900, 900A, 907, 981, 981A, 1031, 1048, 1049, 1165, and 1236.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1068. With Emergency.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1027, 16-1028, 16-1033, and 84-1301, Revised Statutes Supplement, 1993; to change provisions relating to retirement benefits for firefighters of cities of the first class; to redefine a term; to exclude certain employees of the Coordinating Commission for Postsecondary Education from the State Employees Retirement Act; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Coordsen	Hillman	Monen	Schmitt
Ashford	Crosby	Hudkins	Moore	Vrtiska
Avery	Cudaback	Janssen	Pedersen	Warner
Bernard-Stevens	Day	Jones	Pirsch	Wehrbein
Beutler	Dierks	Landis	Preister	Wesely
Bohlke	Elmer	Lindsay	Rasmussen	Wickersham
Bromm	Engel	Lynch	Robinson	Will
Byars	Fisher	Matzke	Schellpeper	Witek
	Hall	McKenzie	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 1:

Kristensen

Excused and not voting, 4:

Chambers	Haberman	Hartnett	Robak

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1136.

A BILL FOR AN ACT relating to developmental disabilities services; to amend section 83-1201, Revised Statutes Supplement, 1992, and section 83-1216, Revised Statutes Supplement, 1993; to state and restate intent; to create the Advisory Committee on Developmental Disabilities; to provide duties for the advisory committee; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud	Crosby	Hudkins	McKenzie	Schmitt
Ashford	Cudaback	Janssen	Pirsch	Vrtiska
Avery	Day	Jones	Preister	Wehrbein
Beutler	Dierks	Landis	Rasmussen	Wesely
Bohlke	Elmer	Lindsay	Robinson	Wickersham
Bromm	Engel	Lynch	Schellpeper	Will
Byars	Hall	Matzke	Schimek	Withem
Coordsen				

Voting in the negative, 6:

Bernard-Stevens	Fisher	Moore	Warner	Witek
	Hillman			

Present and not voting, 3:

Kristensen	Monen	Pedersen

Excused and not voting, 4:

Chambers	Haberman	Hartnett	Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1136A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1136, Ninety-third Legislature, Second Session, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud	Crosby	Hudkins	McKenzie	Schmitt
Ashford	Cudaback	Janssen	Monen	Vrtiska
Beutler	Day	Jones	Pirsch	Wehrbein
Bohlke	Dierks	Landis	Preister	Wesely
Bromm	Elmer	Lindsay	Rasmussen	Wickersham
Byars	Engel	Lynch	Schellpeper	Will
Coordsen	Hall	Matzke	Schimek	Withem

Voting in the negative, 9:

Avery	Fisher	Moore	Robinson	Witek
Bernard-Stevens	Hillman	Pedersen	Warner	

Present and not voting, 1:

Kristensen

Excused and not voting, 4:

Chambers	Haberman	Hartnett	Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1244.

A BILL FOR AN ACT relating to statute revision; to amend sections 24-212, 49-702, 49-765, and 49-767, Reissue Revised Statutes of Nebraska, 1943; to provide for annotations of decisions of the Court of Appeals; to provide that the statutes printed by the Revisor of Statutes shall constitute the official version of the statutes; to provide for their use in the courts as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Bohlke	Day	Hillman	Lindsay
Ashford	Bromm	Dierks	Hudkins	Lynch
Avery	Byars	Elmer	Janssen	Matzke
Bernard-Stevens	Coordsen	Engel	Jones	McKenzie
Beutler	Crosby	Fisher	Kristensen	Monen
	Cudaback	Hall	Landis	Moore

Pedersen	Robinson	Schmitt	Wehrbein	Will
Pirsch	Schellpeper	Vrtiska	Wesely	Witek
Preister	Schimek	Warner	Wickersham	Withem
Rasmussen				

Voting in the negative, 0.

Excused and not voting, 4:

Chambers	Haberman	Hartnett	Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 906.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-919, Reissue Revised Statutes of Nebraska, 1943; to provide for tampering with a witness or informant in civil actions; to change and eliminate provisions relating to jury tampering; to provide a penalty; and to repeal the original section, and also section 28-921, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Coordsen	Hudkins	Monen	Schmitt
Ashford	Crosby	Janssen	Moore	Vrtiska
Avery	Cudaback	Jones	Pedersen	Warner
Bernard-Stevens	Day	Kristensen	Pirsch	Wehrbein
	Dierks	Landis	Preister	Wesely
Beutler	Elmer	Lindsay	Rasmussen	Wickersham
Bohlke	Engel	Lynch	Robinson	Will
Bromm	Fisher	Matzke	Schellpeper	Witek
Byars	Hall	McKenzie	Schimek	Withem
Chambers	Hillman			

Voting in the negative, 0.

Excused and not voting, 3:

Haberman	Hartnett	Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1044.

A BILL FOR AN ACT relating to emergency telephone communications systems; to amend section 86-1003, Revised Statutes Supplement, 1992; to change provisions relating to a surcharge; to provide for notices and a hearing as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Abboud	Cudaback	Hudkins	McKenzie	Schmitt
Ashford	Day	Janssen	Monen	Vrtiska
Avery	Dierks	Jones	Moore	Warner
Bohlke	Elmer	Kristensen	Pirsch	Wehrbein
Bromm	Engel	Landis	Preister	Wickersham
Byars	Fisher	Lindsay	Rasmussen	Will
Coordsen	Hall	Lynch	Robinson	Witek
Crosby	Hillman	Matzke	Schimek	Withem

Voting in the negative, 4:

Bernard-Stevens	Beutler	Chambers	Pedersen

Present and not voting, 2:

Schellpeper Wesely

Excused and not voting, 3:

Haberman Hartnett Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1292.

A BILL FOR AN ACT relating to alcoholic liquor; to amend section 53-194.03, Reissue Revised Statutes of Nebraska, 1943, sections 53-123.14, 53-124.11, 53-124.12, and 53-164.01, Revised Statutes Supplement, 1992, and sections 53-101, 53-125, and 53-129, Revised Statutes Supplement, 1993; to require purchase of alcoholic liquor from certain suppliers as prescribed; to change provisions relating to brewpub licenses; to change eligibility provisions for liquor licensees; to change provisions relating to a report; to change provisions relating

to the amount of liquor a person may import for personal use; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud	Coordsen	Hall	Matzke	Vrtiska
Ashford	Crosby	Hillman	McKenzie	Warner
Avery	Cudaback	Hudkins	Moore	Wehrbein
Bernard-Stevens	Day	Janssen	Pirsch	Wickersham
Bohlke	Dierks	Jones	Rasmussen	Will
Bromm	Elmer	Kristensen	Robinson	Witek
Byars	Engel	Landis	Schellpeper	Withem
	Fisher	Lynch	Schmitt	

Voting in the negative, 2:

Chambers Monen

Present and not voting, 6:

Beutler Pedersen Preister Schimek Wesely
Lindsay

Excused and not voting, 3:

Haberman Hartnett Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1310. With Emergency.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 79-488, 79-801.02, and 79-2208, Reissue Revised Statutes of Nebraska, 1943, sections 79-451, 79-4,159, 79-1247.06, 79-1308.01, and 79-3813, Revised Statutes Supplement, 1992, and sections 13-504, 79-101.01, 79-4,207, and 79-1281.01, Revised Statutes Supplement, 1993; to change a certification date as prescribed; to eliminate references to certain Class I school districts; to eliminate reporting of wages paid to substitute teachers; to change reporting dates as prescribed; to harmonize budget submission dates; to change an effective date relating to mergers; to authorize issuance of passes to school and college activities; to define terms; to delete a reference to a provisional teaching certificate; to delete references to forms relating to educational service units; to provide powers for the Professional

Practices Commission; to change provisions relating to evidence of investment securities as prescribed; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Cudaback	Janssen	Moore	Vrtiska
Ashford	Day	Jones	Pedersen	Warner
Avery	Dierks	Kristensen	Pirsch	Wehrbein
Beutler	Elmer	Landis	Preister	Wesely
Bohlke	Engel	Lindsay	Rasmussen	Wickersham
Bromm	Fisher	Lynch	Robinson	Will
Byars	Hall	Matzke	Schellpeper	Witek
Coordsen	Hillman	McKenzie	Schimek	Withem
Crosby	Hudkins	Monen	Schmitt	

Voting in the negative, 1:

Bernard-
Stevens

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Haberman Hartnett Robak

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendments to LB 1015

Mmes. Bohlke, Rasmussen, and McKenzie withdrew their amendment, AM3686, found in the Journal on page 1162, to LB 1015.

Mr. Kristensen withdrew his amendment, AM4436, on file in the Clerk's Office and referred to on page 1847, to LB 1015.

Mr. Kristensen withdrew his amendment, AM4513, on file in the Clerk's Office and referred to on page 1905, to LB 1015.

Mr. Kristensen withdrew his amendment, AM4550, on file in the Clerk's Office and referred to on page 1961, to LB 1015.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1015.

A BILL FOR AN ACT relating to bank deposits and collections; to amend section 4-104, Uniform Commercial Code; to redefine the term "banking day"; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Crosby	Hudkins	Monen	Schmitt
Ashford	Cudaback	Janssen	Moore	Vrtiska
Avery	Day	Jones	Pedersen	Warner
Bernard-Stevens	Dierks	Kristensen	Pirsch	Wehrbein
Beutler	Elmer	Landis	Preister	Wesely
Bohlke	Engel	Lindsay	Rasmussen	Wickersham
Bromm	Fisher	Lynch	Robinson	Will
Byars	Hall	Matzke	Schellpeper	Witek
Coordsen	Hillman	McKenzie	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Haberman Hartnett Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 1313, 1313A, 480, 1068, 1136, 1136A, 1244, 906, 1044, 1292, 1310, and 1015.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 13, 1994, at 8:55 p.m., were the following bills: 358, 1290, 446, 446A, 974, 974A, 1035, 1035A, 1071, 1071A, 1161, 1188, 1222, 1222A, 630, and 967.

Presented to the Governor on April 13, 1994, at 9:50 p.m., were the following bills: 408, 882, 900, 900A, 907, 981, 981A, 1031, 1048, 1049, 1165, and 1236.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: 188, 677, 677A, 741, 872, 1088, and 1243.

Correctly Engrossed

The following bills were correctly engrossed: 903 and 903A.

Enrollment and Review Change to LB 677
(Final Reading third)

The following changes, required to be reported for publication in the Journal, have been made:
ER7496
1. In the Chambers amendment, AM4085:
a. Sections 15 and 16 have been renumbered as sections 18 and 19, respectively;
b. On page 12, line 24, "83-190," has been inserted after the first comma; and
c. On page 13, line 6, "and its employees" has been inserted before the first comma.
2. In the Pedersen amendment, AM4585:
a. Section 14 has been renumbered as section 17; and
b. On page 1, line 3, "this section and section 83-179" has been struck and "section 28-416" inserted; and in line 8 "this" has been struck and "such" inserted.

Enrollment and Review Change to LB 872
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

ER7497

1. Changes have been made as necessary to incorporate the Hall amendment, AM4584, into the Final Reading Copy of LB 872.

Enrollment and Review Change to LB 903

The following changes, required to be reported for publication in the Journal, have been made:

ER7495

1. In the Kristensen amendment, AM4550:

a. Sections 1 to 18 have been renumbered as sections 5 to 21 and 25, respectively;

b. Section 19 has been struck;

c. On page 2, line 12, "its" has been struck and "the" inserted;

d. On page 4, line 11, "4" has been struck and "8" inserted;

e. On page 11, line 17, "where" has been struck and "when" inserted; and in line 19 an underscored comma has been inserted after the second "to";

f. On page 25, line 27; and page 26, line 27, "alleged to be incapacitated" has been struck and "to be protected" inserted;

g. On page 26, lines 19, 20, and 22, the new matter has been struck and the stricken matter reinstated; in line 21 "alleged" has been struck; in line 25 "where" has been struck and "when" inserted; and in line 27 "ward" has been struck and "protected person" inserted;

h. On page 35, lines 7 and 8, "and 30-2818" has been struck and ", 30-2818, and 76-720" inserted; in line 8 "section 24-201.01, Revised Statutes Supplement, 1992," has been inserted after the last comma; and in line 9 "24-729," has been inserted after "sections"; and

i. Amendment 2 has been struck and the remaining amendment renumbered.

2. In the Lynch et al. amendment, AM4534:

a. On page 6, line 4, "1995" has been struck and "1996" inserted; and the matter beginning with "On" in line 20 through line 27 has been struck;

b. On page 7, line 1 has been struck; in line 2 "juvenile court." has been struck; in line 4 "inhabitants" has been inserted after the second "thousand"; in line 6 an underscored comma has been inserted after "court"; in line 7 "at least" has been inserted after "of" and "not" has been struck; and in line 8 "more" has been struck and "less" inserted;

c. On page 8, line 18, "6 to 8, and 10" has been struck and "5 to 21, 23 to 25, and 27" inserted; and in line 20 "5, and 9" has been struck and "22, and 26" inserted; and

d. Section 8 has been struck.

3. On page 1, the matter beginning with "district" in line 1 through line 5 and all amendments thereto have been struck and "courts; to amend sections 30-2601, 30-2818, 43-2,119, and 76-720, Reissue Revised Statutes of Nebraska, 1943, sections 24-201.01 and 24-803, Revised Statutes Supplement, 1992, and sections 24-301.02, 24-729, 25-2730, 30-2201, 30-2220, 30-2619, 30-2620, 30-2625 to 30-2628,

30-2630.01, 30-2633, 30-2634, 30-2637, and 30-2639, Revised Statutes Supplement, 1993; to change judges' salaries; to increase the number of judges in certain district court judicial districts and separate juvenile courts; to change provisions relating to assignment of retired judges and judicial nominating commissions; to change provisions relating to appointment, powers, and duties of guardians and conservators and notice and procedures for guardianship and conservatorship proceedings; to change certain bond requirements; to state intent; to redefine a term; to change provisions relating to temporary guardianship and conservatorship proceedings, expedited hearings, the authority of the court pursuant to the creation of a will by a protected person or the creation or alteration of his or her estate plan, proceedings against trustees, and court costs in condemnation proceedings; to provide operative dates; to repeal the original sections; and to declare an emergency." has been inserted.

Enrollment and Review Change to LB 1088

The following changes, required to be reported for publication in the Journal, have been made:
ER7498

1. In the Wickersham amendment, AM4578, on page 8, line 23, "sections" has been struck and "property" inserted; and in line 24 "the Game Law; to amend" has been inserted after the quotation marks.

(Signed) Janis M. McKenzie, Chairperson

VISITORS

Visitors to the Chamber were 27 students and teacher from Shelby Public School; 72 fourth grade students and sponsors from Ezra Millard Elementary School, Omaha; Mrs. Lowell Fisher, Ruth Fisher, and Brooke Keller; 18 seniors and teacher from Fairmont High School; seven eighth grade students and sponsor from Cozad; and Senator Schellpeper's wife, Faye, son and daughter-in-law, Jeff and Kathy, and grandsons, Eric and Andrew.

ADJOURNMENT

At 10:07 p.m., on a motion by Mrs. McKenzie, the Legislature adjourned until 8:00 a.m., Thursday, April 14, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-NINTH DAY - APRIL 14, 1994

LEGISLATIVE JOURNAL

FIFTY-NINTH DAY - APRIL 14, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 14, 1994

Pursuant to adjournment, the Legislature met at 8:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Abigail Brown Wilson, Northeast Community United Church of Christ, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Bernard-Stevens, Chambers, Engel, Haberman, Hall, Hartnett, Kristensen, Landis, Lindsay, Monen, Moore, Preister, Schellpeper, Warner, Wehrbein, Wesely, Will, Mmes. Bohlke, McKenzie, Pirsch, Rasmussen, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-eighth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 13, 1994, at 10:20 p.m., were the following bills: 1310, 1313, 1313A, 480, 1068, 1136, 1136A, 1244, 906, 1044, 1292, and 1015.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

REPORTS

Received quarterly audit reports from the Auditor of Public Accounts for the following: NE State Historical Society (A.R.); NE Commission

of Industrial Relations (A.R.); NE Board of Barber Examiners; State of NE Office of the Governor; NE Workers' Compensation Court; NE Department of Revenue; NE Secretary of State; NE Department of Roads; NE Racing Commission; NE Foster Care Review Board; NE Military Department; NE Mexican-American Commission; NE Board of Examiners for Professional Engineers and Architects; Office of the NE Attorney General; NE Library Commission; NE Commission on Law Enforcement and Criminal Justice; NE Athletic Commission; NE Coordinating Commission for Postsecondary Education; NE Public Service Commission; NE Natural Resources Commission; NE Department of Agriculture; NE Educational Telecommunications Commission; NE Department of Health; NE Board of Examiners for Landscape Architects; NE Commission on the Status of Women; NE Department of Education; NE Department of Roads; NE Department of Health; NE State Patrol; State Treasurer of Nebraska; NE Investment Council; and NE Department of Economic Development.

UNANIMOUS CONSENT - Member Excused

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 76.

A BILL FOR AN ACT relating to elections; to amend sections 2-945.01, 2-2435, 2-2437, 2-2447, 2-3213 to 2-3215, 3-502, 3-611, 3-701, 3-703, 10-702, 11-125, 14-201, 14-201.03, 14-204 to 14-208, 14-217.02, 15-249, 15-301, 16-103, 16-104, 16-217, 16-302.01, 16-305, 16-306, 16-311, 17-103, 17-104, 17-107, 17-108.02, 17-202, 17-203, 17-311, 17-312, 17-602, 17-603, 18-2514, 18-2516, 18-2517, 18-2521, 18-2525, 18-2530, 18-2536, 19-402, 19-404 to 19-407, 19-409, 19-411, 19-415, 19-421, 19-423, 19-433, 19-612, 19-613, 19-613.01, 19-3002, 19-3005, 19-3019, 19-3023, 19-3025, 19-3026, 19-3029, 19-3030, 19-3034, 19-3040, 19-3041, 19-3050, 19-3051, 23-148, 23-150, 23-151, 23-204, 23-222, 23-268, 23-269, 23-1502, 23-1901, 23-3301, 23-3401, 23-3534, 23-3557, 23-3575, 31-735.03, 39-1606, 43-2,112, 43-2,127, 46-112, 46-530, 46-534, 49-204, 49-208 to 49-210, 49-215, 49-218, 49-228, 49-238, 49-1419, 51-202, 70-604.03, 70-604.04, 70-604.08, 70-605, 70-606, 70-611, 70-615, 75-101, 79-323, 79-426.15, 79-426.25, 79-439.01, 79-462, 79-522, 79-601.01, 79-803.11, 79-902.01, 79-1003, and 79-1109, Reissue Revised Statutes of Nebraska, 1943, sections 2-2434, 10-703.01, 14-2102, 14-2103, 14-2152, 18-2528, 23-3201, 29-3913, 49-1461, 60-484, 60-4,144, 70-619, 70-624.04, 77-370.01, 79-322, 79-426.05, 79-426.19, 79-701, 79-802, 79-1103, 79-2203, 79-3820, and 85-103, Revised Statutes Supplement, 1992, and sections

2-953, 23-1201.01, 53-122, 60-4,120, 60-4,130, 60-4,130.02, 60-4,181, 70-610, 79-803.03, 81-1632, 85-1512, and 85-1514, Revised Statutes Supplement, 1993; to adopt the Election Act; to change, transfer, and eliminate provisions relating to elections; to change, eliminate, and provide penalties; to repeal provisions found in Chapter 32 relating to elections; to provide for vacancies in appointive civil offices; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also sections 3-704, 14-201.01, 14-201.04, 15-109, 15-302, 15-313, 16-307, 16-315, 17-107.02, 17-115, 17-203.01, 17-221, 19-408, 19-410, 19-425, 19-614, 19-621, 19-623, 19-624, 19-627, 23-152, 23-157, 23-1312, 23-3208, 23-3309, 23-3537, 32-101 to 32-114, 32-116, 32-117, 32-119 to 32-121, 32-201, 32-202, 32-203 to 32-205, 32-207 to 32-210, 32-211, 32-214 to 32-225, 32-227 to 32-231.01, 32-231.08 to 32-232, 32-264, 32-265, 32-301, 32-304, 32-304.01, 32-305, 32-309, 32-312, 32-315, 32-316, 32-402.01, 32-404 to 32-419, 32-420.01, 32-420.02, 32-422.01, 32-426, 32-428, 32-428.03, 32-428.04, 32-428.07 to 32-430.01, 32-432 to 32-437, 32-439 to 32-444, 32-445.01, 32-448, 32-450.01, 32-452, 32-454, 32-455, 32-457, 32-458, 32-460, 32-461, 32-463, 32-465 to 32-471, 32-473 to 32-478, 32-479.01 to 32-482, 32-490, 32-491, 32-492.01 to 32-493.01, 32-499, 32-499.01, 32-4,102, 32-4,105, 32-4,107, 32-4,108, 32-4,110 to 32-4,112, 32-4,115 to 32-4,125, 32-4,127, 32-4,129, 32-4,130, 32-4,133, 32-4,135 to 32-4,147, 32-4,149, 32-4,151, 32-4,153, 32-4,154, 32-4,156 to 32-4,158, 32-501, 32-502, 32-504, 32-504.01, 32-505 to 32-512, 32-513.01 to 32-516, 32-519 to 32-522, 32-524 to 32-526.02, 32-528 to 32-530.01, 32-532, 32-534, 32-535, 32-542, 32-542.02, 32-542.03, 32-545 to 32-547, 32-549 to 32-552, 32-558, 32-560, 32-561, 32-601, 32-703, 32-703.01, 32-704.01, 32-705.01, 32-707.01 to 32-708, 32-710, 32-711, 32-713 to 32-715, 32-827 to 32-834, 32-836 to 32-844, 32-846 to 32-853, 32-1001, 32-1001.03 to 32-1001.05, 32-1001.17 to 32-1001.22, 32-1001.24 to 32-1001.28, 32-1001.32 to 32-1002, 32-1038, 32-1042 to 32-1056, 32-1201 to 32-1240, 32-1301.01 to 32-1310, 32-1312 to 32-1314, 46-531, 46-532, 46-533, 70-614, 79-465, 79-540, 79-550.01, 79-706, 79-803.10, 79-803.12, 79-1003.03, and 79-2202.01, Reissue Revised Statutes of Nebraska, 1943, sections 23-222.01, 32-210.01, 32-212, 32-303, 32-307, 32-310, 32-403, 32-421.01, 32-424, 32-425, 32-428.05, 32-428.06, 32-450, 32-451, 32-456, 32-464, 32-485, 32-4,101, 32-4,103, 32-4,104, 32-4,113, 32-4,114, 32-4,132, 32-4,150, 32-4,152, 32-4,155, 32-4,159, 32-503.01, 32-513, 32-517, 32-537, 32-548, 32-556, 32-702, 32-704, 32-704.02, 32-705, 32-706, 32-707, 32-709, 32-712, 32-835, 32-845, 32-1001.06 to 32-1001.10, 32-1001.23, 32-1001.29 to 32-1001.31, 32-1037, 32-1039, 32-1040, 32-1057 to 32-1059, 32-1401 to 32-1409, and 32-1501 to 32-1503, Revised Statutes Supplement, 1992, and sections 32-226, 32-308, 32-438, 79-464, 79-803.07 to 79-803.09, and 85-1513, Revised Statutes Supplement, 1993.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Avery	Crosby	Hillman	McKenzie	Schimek
Bernard-Stevens	Cudaback	Hudkins	Monen	Schmitt
Beutler	Day	Janssen	Moore	Vrtiska
Bohlke	Dierks	Jones	Pedersen	Warner
Bromm	Elmer	Kristensen	Preister	Wehrbein
Byars	Engel	Landis	Rasmussen	Wesely
Coordsen	Fisher	Lindsay	Robak	Wickersham
	Hartnett	Matzke	Robinson	Withem

Voting in the negative, 2:

Haberman Witek

Excused and not voting, 8:

Abboud	Chambers	Lynch	Schellpeper	Will
Ashford	Hall	Pirsch		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT ROBAK PRESIDING

LEGISLATIVE BILL 76A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 76, Ninety-third Legislature, Second Session, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Avery	Crosby	Hudkins	Monen	Schellpeper
Bernard-Stevens	Day	Janssen	Moore	Schimek
Beutler	Dierks	Jones	Pedersen	Schmitt
Bohlke	Elmer	Landis	Pirsch	Vrtiska
Bromm	Engel	Lindsay	Preister	Warner
Byars	Hall	Lynch	Rasmussen	Wehrbein
Coordsen	Hartnett	Matzke	Robak	Wesely
	Hillman	McKenzie	Robinson	Wickersham

Withem

Voting in the negative, 0.

Present and not voting, 5:

Cudaback Fisher Haberman Kristensen Witek

Excused and not voting, 4:

Abboud Ashford Chambers Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTIONS

LEGISLATIVE RESOLUTION 79. Read. Considered.

LR 79 was adopted with 34 ayes, 0 nays, and 15 not voting.

LEGISLATIVE RESOLUTION 337. Read. Considered.

Standing Committee amendment, AM4158, found in the Journal on page 1661, was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LR 337 was adopted with 30 ayes, 0 nays, and 19 not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 76 and 76A.

RESOLUTIONS

LEGISLATIVE RESOLUTION 349. Read. Considered.

Standing Committee amendment, AM4539, found in the Journal on page 1945, was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LR 349 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 391. Read. Considered.

LR 391 was adopted with 29 ayes, 0 nays, and 20 not voting.

LEGISLATIVE RESOLUTION 385. Read. Considered.

LEGISLATIVE RESOLUTION 496. Read. Considered.

LEGISLATIVE RESOLUTION 499. Read. Considered.

LEGISLATIVE RESOLUTION 500. Read. Considered.

LEGISLATIVE RESOLUTION 501. Read. Considered.

LEGISLATIVE RESOLUTION 503. Read. Considered.

LEGISLATIVE RESOLUTION 504. Read. Considered.

LEGISLATIVE RESOLUTION 505. Read. Considered.

LEGISLATIVE RESOLUTION 506. Read. Considered.

LEGISLATIVE RESOLUTION 507. Read. Considered.

Mrs. Hillman and Mr. Moore asked unanimous consent to be excused until they return. No objections. So ordered.

Pursuant to Rule 4, Section 5, LRs 385, 496, 499, 500, 501, 503, 504, 505, 506, and 507 were adopted with 30 ayes, 0 nays, and 19 not voting.

UNANIMOUS CONSENT - Members Excused

Messrs. Ashford and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Approve Appointments

Mr. Schellpeper moved the adoption of the report of the General Affairs Committee for the following Governor appointments found in the Journal on page 1710: Harry Richardson - Nebraska Arts Council and Janet French, Lynn Guilfoyle, Deb Hammond, Barbara Hill, Frank McGill, Tom Schaefer, Vernon Scott, Dr. John Shybut, Dick Stalker, Michael Wellman, and William Williams - Nebraska Advisory Commission on Compulsive Gambling.

Voting in the affirmative, 25:

Abboud	Crosby	Hartnett	Preister	Warner
Avery	Day	Kristensen	Rasmussen	Wehrbein
Beutler	Dierks	Matzke	Schellpeper	Wesely
Bromm	Elmer	McKenzie	Schimek	Will
Coordsen	Hall	Pedersen	Schmitt	Withem

Voting in the negative, 1:

Chambers

Present and not voting, 19:

Bernard-Stevens	Cudaback	Hudkins	Lindsay	Robak
Bohlke	Engel	Janssen	Lynch	Robinson
Byars	Fisher	Jones	Monen	Vrtiska
	Haberman	Landis	Pirsch	Witek

Excused and not voting, 4:

Ashford	Hillman	Moore	Wickersham

These appointments were confirmed with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

APPROPRIATIONS COMMITTEE REPORT ON LB 314

Pursuant to Rule 6, Section 14, the Appropriations Committee has reviewed the Governor's veto of LB 314 and recommends, by a 7-0-2 vote, not to override the veto.

(Signed) Scott Moore, Chairperson
Appropriations Committee

APPROPRIATIONS COMMITTEE REPORT ON LB 991

Pursuant to Rule 6, Section 14, the Appropriations Committee has examined the Governor's line item vetoes contained in LB 991 as follows:

	FY 1993-94	FY 1994-95
General Funds		
Teachers' Salaries		1,500,000
Childrens' Mental Health Roadmap		600,000
Probation Office Salary Increases		600,000
Systemic Initiative for Math/Science		40,000
Trail Development Assistance Fund	100,000	100,000
Postsecondary Education Award Program Aid		40,000
Textbook Loan Program		50,000
Education Department Retirement Payout		35,912
	100,000	2,965,912
Cash		
Department of Roads Highway Cash Fund		6,827,270

The Appropriations Committee recommends, by a 7-0-2 vote, no overrides of the vetoes.

(Signed) Scott Moore, Chairperson
Appropriations Committee

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 14, 1994, at 11:05 a.m., were the following bills: 76 and 76A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

REPORT

Received statement of deposits from the Department of Roads to the Highway Cash fund and Roads Operations Cash fund for March 1994 in compliance with section 66-4,144, R.S. Supp. 1992.

VISITORS

Visitors to the Chamber were Jason Esser and Lora White from Peru State College; 19 seniors and teachers from Greeley High School; 44 fourth grade students and sponsors from Pierce Public School; 50 fourth grade students and teacher from Allcott School, Hastings; and 13 eighth grade students and teachers from East Catholic School, St. Helena.

RECESS

At 12:05 p.m., on a motion by Speaker Withem, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Bromm, Byars, Chambers, Dierks, Hall, Hartnett, Landis, Lynch, Monen, Moore, Robinson, Schellpeper, Warner, Will, and Mrs. Rasmussen who were excused until they arrive.

MOTION - Approve Appointments

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following Governor appointments found in

the Journal on page 1752: Michael Cullen - Board of Health and Janet Haun, Richard McCowin, and Michael Gooch - Commission for the Hearing Impaired.

Voting in the affirmative, 25:

Bernard-Stevens	Cudaback	Janssen	McKenzie	Vrtiska
Beutler	Day	Jones	Pedersen	Wehrbein
Bohlke	Haberman	Kristensen	Pirsch	Wesely
Coordsen	Hillman	Lindsay	Schimek	Wickersham
Crosby	Hudkins	Matzke	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 7:

Avery	Engel	Preister	Robak	Witek
Elmer	Fisher			

Excused and not voting, 17:

Abboud	Chambers	Landis	Moore	Schellpeper
Ashford	Dierks	Lynch	Rasmussen	Warner
Bromm	Hall	Monen	Robinson	Will
Byars	Hartnett			

These appointments were confirmed with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following Governor appointments found in the Journal on page 1943: Irene Fiesterman and Janet Fletcher - Rural Health Advisory Commission.

Voting in the affirmative, 26:

Bernard-Stevens	Day	Jones	Monen	Wehrbein
Beutler	Fisher	Kristensen	Pedersen	Wesely
Bohlke	Haberman	Landis	Schimek	Wickersham
Coordsen	Hillman	Matzke	Schmitt	Witek
Crosby	Hudkins	McKenzie	Vrtiska	Withem
	Janssen			

Voting in the negative, 0.

Present and not voting, 8:

Avery	Cudaback	Elmer	Engel	Lindsay

Pirsch	Preister	Robak

Excused and not voting, 15:

Abboud	Byars	Hall	Moore	Schellpeper
Ashford	Chambers	Hartnett	Rasmussen	Warner
Bromm	Dierks	Lynch	Robinson	Will

These appointments were confirmed with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Mrs. Bohlke moved the adoption of the report of the Education Committee for the following Governor appointments found in the Journal on page 1942: Keith Blackledge and John W. White, Jr. - Nebraska Educational Telecommunications Commission.

Voting in the affirmative, 27:

Abboud	Crosby	Janssen	Monen	Vrtiska
Bernard-Stevens	Day	Jones	Pedersen	Wehrbein
Beutler	Fisher	Kristensen	Preister	Wesely
Bohlke	Haberman	Landis	Schimek	Wickersham
Coordsen	Hillman	Matzke	Schmitt	Withem
	Hudkins	McKenzie		

Voting in the negative, 0.

Present and not voting, 10:

Ashford	Cudaback	Engel	Pirsch	Robak
Avery	Elmer	Lindsay	Rasmussen	Witek

Excused and not voting, 12:

Bromm	Dierks	Lynch	Robinson	Warner
Byars	Hall	Moore	Schellpeper	Will
Chambers	Hartnett			

These appointments were confirmed with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Mr. Kristensen moved the adoption of the report of the Transportation Committee for the following Governor appointments found in the Journal on page 1942: Micheal O. Fleming - Motor Vehicle Industry Licensing Board, Gary Warren - Commission on Information Technology, Alvin Abramson - Director, Department of Motor Vehicles, and Sharon D. Jackson - Board of Public Roads Classifications and Standards.

Voting in the affirmative, 28:

Abboud	Day	Janssen	Pirsch	Wehrbein
Bernard-Stevens	Elmer	Kristensen	Preister	Wesely
Beutler	Fisher	Landis	Rasmussen	Wickersham
Coordsen	Haberman	Matzke	Schimek	Witek
Crosby	Hillman	McKenzie	Schmitt	Withem
	Hudkins	Pedersen	Vrtiska	

Voting in the negative, 0.

Present and not voting, 10:

Ashford	Bohlke	Cudaback	Jones	Monen
Avery	Byars	Engel	Lindsay	Robak

Excused and not voting, 11:

Bromm	Hall	Lynch	Robinson	Warner
Chambers	Hartnett	Moore	Schellpeper	Will
Dierks				

These appointments were confirmed with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

Mr. Abboud moved the adoption of the report of the Business and Labor Committee for the following Governor appointments found in the Journal on page 1946: David J. Cullan and Thomas H. Delay - Commission of Industrial Relations.

Voting in the affirmative, 25:

Abboud	Day	Kristensen	Pirsch	Wehrbein
Bernard-Stevens	Elmer	Landis	Preister	Wesely
Beutler	Engel	Matzke	Rasmussen	Wickersham
Coordsen	Haberman	McKenzie	Schmitt	Witek
Crosby	Janssen	Monen	Vrtiska	Withem

Voting in the negative, 0.

Present and not voting, 13:

Ashford	Byars	Hillman	Lindsay	Robak
Avery	Cudaback	Hudkins	Pedersen	Schimek
Bohlke	Fisher	Jones		

Excused and not voting, 11:

Bromm	Hall	Lynch	Robinson	Warner
Chambers	Hartnett	Moore	Schellpeper	Will
Dierks				

These appointments were confirmed with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Beutler moved the adoption of the report of the Natural Resources Committee for the following Governor appointment found in the Journal on page 1986: Debra Hansen - Nebraska Ethanol Board.

Voting in the affirmative, 29:

Abboud	Crosby	Kristensen	Pedersen	Schmitt
Bernard-Stevens	Day	Landis	Pirsch	Vrtiska
Beutler	Elmer	Lindsay	Preister	Wehrbein
Bromm	Haberman	Matzke	Rasmussen	Wesely
Coordsen	Hillman	McKenzie	Robak	Wickersham
	Hudkins	Monen	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 10:

Ashford	Bohlke	Cudaback	Fisher	Jones
Avery	Byars	Engel	Janssen	Witek

Excused and not voting, 10:

Chambers	Hall	Lynch	Robinson	Warner
Dierks	Hartnett	Moore	Schellpeper	Will

This appointment was confirmed with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 694. With Emergency.

A BILL FOR AN ACT relating to gambling; to amend sections 9-201 to 9-203, 9-206, 9-207, 9-209, 9-209.01, 9-210, 9-211, 9-212, 9-214, 9-214.01, 9-217, 9-220, 9-225, 9-226.01, 9-226.02, 9-227, 9-228, 9-230, 9-233, 9-237, 9-255, 9-262.01, 9-264, 9-266, 9-301, 9-303, 9-304, 9-307, 9-309, 9-310, 9-322.01, 9-324, 9-327 to 9-329, 9-330, 9-331, 9-332, 9-334, 9-335, 9-336, 9-340, 9-342, 9-344, 9-345.01, 9-346, 9-347, 9-348, 9-348.01, 9-349, 9-356, 9-401, 9-403, 9-404, 9-407, 9-408, 9-409, 9-418, 9-418.02, 9-420, 9-424, 9-425, 9-427, 9-429, and

9-508, Reissue Revised Statutes of Nebraska, 1943, and sections 9-1,101, 9-1,104, 9-204, 9-226, 9-315, 9-322, 9-329.01, 9-329.02, 9-629, 9-632, 9-639, 9-642, 9-701, 9-801, 9-803, 9-809, 9-812, 9-814, 9-826, 9-832, and 9-834, Revised Statutes Supplement, 1993; to change, provide, and eliminate powers and duties related to bingo, lottery by the sale of pickle cards, lotteries, raffles, and gift enterprises; to define and redefine terms; to change and provide penalties; to change, provide, and eliminate fees; to create and rename funds; to change provisions relating to audit and legal expenses under the Nebraska County and City Lottery Act; to harmonize provisions; to provide operative dates; to repeal the original sections, and also sections 9-218, 9-219, 9-221, 9-222, 9-223, 9-232, 9-233.01 to 9-235, 9-235.02, 9-235.03, 9-238, 9-242 to 9-254, and 9-256 to 9-261, Reissue Revised Statutes of Nebraska, 1943, and section 9-235.01, Revised Statutes Supplement, 1993; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud	Crosby	Hillman	Moore	Vrtiska
Avery	Cudaback	Hudkins	Pirsch	Warner
Bernard-Stevens	Day	Janssen	Preister	Wehrbein
Beutler	Elmer	Jones	Rasmussen	Wesely
Bohlke	Engel	Landis	Robak	Wickersham
Bromm	Fisher	Lindsay	Robinson	Will
Byars	Haberman	Lynch	Schellpeper	Witek
Coordsen	Hall	McKenzie	Schmitt	Withem
	Hartnett			

Voting in the negative, 0.

Present and not voting, 7:

Ashford	Kristensen	Monen	Pedersen	Schimek
Dierks	Matzke			

Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT ROBAK PRESIDING

LEGISLATIVE BILL 694A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 694, Ninety-third Legislature, Second Session, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Abboud	Coordsen	Hall	Lindsay	Schellpeper
Avery	Crosby	Hartnett	Lynch	Warner
Bernard-Stevens	Day	Hillman	McKenzie	Wesely
Beutler	Dierks	Hudkins	Moore	Wickersham
Bohlke	Elmer	Janssen	Pirsch	Will
Bromm	Engel	Jones	Rasmussen	Witek
Byars	Fisher	Kristensen	Robak	Withem
	Haberman	Landis		

Voting in the negative, 0.

Present and not voting, 11:

Ashford	Monen	Preister	Schimek	Vrtiska
Cudaback	Pedersen	Robinson	Schmitt	Wehrbein
Matzke				

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER WITHEM PRESIDING

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1066. With Emergency.

A BILL FOR AN ACT relating to investment of public funds; to amend sections 9-1,105, 9-629.02, 18-2604, 67-293, 68-612, 68-613, 72-1260, 77-2341, 77-3616, 77-4025, and 77-4104, Reissue Revised Statutes of Nebraska, 1943, sections 2-1222, 2-3960, 13-2041, 21-17,117.05, 24-704, 28-429, 29-2259.01, 37-206, 37-439, 37-1503, 39-2215, 39-2215.01, 43-1320, 43-2607, 43-2622, 45-716, 46-212.02,

48-418.10, 48-621, 49-1446.01, 49-14,140, 50-438, 54-2293, 60-305.09, 60-311, 60-1303, 60-2132, 66-4,100, 66-733, 66-739, 66-1414, 66-1521, 68-1604, 71-172.02, 71-1,147.02, 71-2618, 71-3708, 71-7010, 71-7521, 72-816, 74-1420, 74-1420.01, 76-2226, 77-3,113, 77-1342, 77-4310.03, 79-4,239, 79-1556, 79-3504, 79-3812, 80-301, 81-201.04, 81-2,291, 81-1110.02, 81-1120.23, 81-1188, 81-1201.21, 81-1278, 81-1429.01, 81-15,101.01, 81-15,104, 81-15,121, 81-15,174, 81-15,177, 81-1607.01, 81-2004.05, 81-2022, 84-135, 84-1613, 85-106, 85-1,128, 85-403, 85-1419, 85-1420, 89-1,100, and 89-1,104.01, Revised Statutes Supplement, 1992, and sections 2-127, 2-958, 2-10,117, 2-2627, 2-3930, 9-1,101, 9-812, 19-4617, 23-3594.04, 24-227, 32-1610, 44-116, 45-621, 46-1224, 48-1,116, 48-446, 53-117.06, 57-919, 60-1513, 60-1514, 66-1334, 66-1345, 66-1519, 69-1317, 70-1020, 71-1,334, 71-5675, 72-1802, 77-3,110, 77-918, 79-1247.07, 79-1545, 79-2859, 81-179, 81-528, 81-805, 81-815.59, 81-1120.38, 81-1201.10, 81-1287, 81-1354.02, 81-1505.01, 81-1558, 81-1561, 81-1566.01, 81-15,113.01, 81-15,120, 81-15,151, 81-15,160, 81-15,165, 83-150, 83-913.01, 84-617, 85-122, 85-1540, and 86-1304, Revised Statutes Supplement, 1993; to eliminate certain restrictions on investments; to provide duties for the state investment officer with respect to corporations doing business in Northern Ireland; to harmonize provisions; to provide operative dates; to repeal the original sections, and also sections 72-1270 to 72-1276, Reissue Revised Statutes of Nebraska, 1943, and section 79-1051.06, Revised Statutes Supplement, 1992; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Abboud	Byars	Hall	Lynch	Robinson
Ashford	Chambers	Hartnett	McKenzie	Schimek
Avery	Coordsen	Hillman	Monen	Schmitt
Bernard-Stevens	Cudaback	Hudkins	Pedersen	Wesely
	Day	Janssen	Preister	Will
Beutler	Dierks	Landis	Rasmussen	Witek
Bohlke	Engel	Lindsay	Robak	Withem

Voting in the negative, 5:

Crosby	Elmer	Haberman	Jones	Pirsch

Present and not voting, 9:

Bromm	Kristensen	Moore	Vrtiska	Wickersham
Fisher	Matzke	Schellpeper	Warner	

Excused and not voting, 1:

Wehrbein

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1224. With Emergency.

A BILL FOR AN ACT relating to social services; to amend sections 25-506.01, 25-2203, 30-2487, 42-358.08, 42-364.16, 43-104.03, 43-1401, 43-1409, 43-1412, 43-1414, 43-1416, and 81-8,244, Reissue Revised Statutes of Nebraska, 1943, sections 42-347, 42-358, 43-512, 43-512.03, 43-512.04, 43-512.06, 43-512.08, 43-1701, 43-1704, 43-1718, 44-761, 44-32,130, and 71-628, Revised Statutes Supplement, 1992, and sections 25-1563.02, 36-213, 42-364.13, 42-371, 42-748, 43-1406, 43-1411, 43-1415, 43-1720, 43-1722, 43-2919, 48-647, 77-27,160, 77-27,161, and 84-712.05, Revised Statutes Supplement, 1993; to state intent; to provide for studies and recommendations; to establish committees; to adopt the Welfare Reform Act; to change provisions relating to service of process; to provide for garnishment of certain income for child support purposes and health care services as prescribed; to provide for certain claims against decedents' estates; to change provisions relating to representation by county attorneys and authorized attorneys and to real parties in interest in actions relating to support; to change provisions relating to furnishing information by municipal utilities and power entities for purposes of enforcement of support orders; to provide a presumption relating to child support guidelines; to change and transfer provisions relating to determinations of paternity; to define and redefine terms; to provide duties for hospitals, the Department of Health, and the Department of Social Services relating to paternity acknowledgment forms as prescribed; to provide for full faith and credit for determinations by another state; to provide for presumptions, corroboration, default judgment, and contempt; to change provisions relating to venue; to provide for income withholding for child support regardless of delinquency; to change provisions relating to applicability of the Parenting Act; to provide for insurance coverage of certain children as prescribed; to provide for setoff of spousal support and certain health care costs as prescribed; to provide for a deputy public counsel for welfare services; to provide a duty for the Revisor of Statutes; to provide operative dates; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Abboud	Byars	Hillman	Monen	Schmitt
Ashford	Coordsen	Hudkins	Pedersen	Vrtiska
Avery	Cudaback	Janssen	Pirsch	Warner
Bernard-Stevens	Day	Jones	Preister	Wesely
Beutler	Elmer	Kristensen	Rasmussen	Wickersham
Bohlke	Engel	Lynch	Robinson	Will
Bromm	Fisher	Matzke	Schellpeper	Withem
	Haberman	McKenzie	Schimek	

Voting in the negative, 9:

Chambers	Dierks	Hartnett	Lindsay	Witek
Crosby	Hall	Landis	Robak	

Present and not voting, 1:

Moore

Excused and not voting, 1:

Wehrbein

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1224A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1224, Ninety-third Legislature, Second Session, 1994; and to state intent.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud	Byars	Hudkins	Monen	Schmitt
Ashford	Coordsen	Janssen	Pedersen	Vrtiska
Avery	Cudaback	Jones	Pirsch	Warner
Bernard-Stevens	Day	Kristensen	Preister	Wesely
Beutler	Elmer	Lynch	Rasmussen	Wickersham
Bohlke	Engel	Matzke	Robinson	Will
Bromm	Fisher	McKenzie	Schellpeper	Withem
	Hillman			

Voting in the negative, 8:

Chambers	Haberman	Hartnett	Lindsay	Witek
Crosby	Hall	Landis		

Present and not voting, 4:

Dierks	Moore	Robak	Schimek

Excused and not voting, 1:

Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Messrs. Matzke and Bernard-Stevens asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 513.

A BILL FOR AN ACT relating to the Nebraska Comprehensive Community Mental Health Services Act; to amend sections 71-5001, 71-5003, 71-5009, 71-5010, and 71-5013, Reissue Revised Statutes of Nebraska, 1943; to provide for quality review teams; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Crosby	Hartnett	McKenzie	Schellpeper
Ashford	Cudaback	Hillman	Monen	Schimek
Avery	Day	Hudkins	Pedersen	Schmitt
Beutler	Dierks	Janssen	Pirsch	Warner
Bohlke	Elmer	Jones	Preister	Wesely
Bromm	Engel	Kristensen	Rasmussen	Wickersham
Byars	Fisher	Landis	Robak	Will
Chambers	Haberman	Lindsay	Robinson	Withem
Coordsen	Hall			

Voting in the negative, 0.

Present and not voting, 4:

Lynch	Moore	Vrtiska	Witek

Excused and not voting, 3:

Bernard-Stevens	Matzke	Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 513A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 513, Ninety-third Legislature, Second Session, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Crosby	Hartnett	McKenzie	Schellpeper
Ashford	Cudaback	Hillman	Monen	Schimek
Avery	Day	Hudkins	Pedersen	Schmitt
Beutler	Dierks	Janssen	Pirsch	Warner
Bohlke	Elmer	Kristensen	Preister	Wesely
Bromm	Engel	Landis	Rasmussen	Wickersham
Byars	Fisher	Lindsay	Robak	Will
Chambers	Hall	Lynch	Robinson	Withem
Coordsen				

Voting in the negative, 0.

Present and not voting, 5:

Haberman	Jones	Moore	Vrtiska	Witek

Excused and not voting, 3:

Bernard-Stevens	Matzke	Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Suspend Rules

Mrs. Rasmussen moved to suspend the rules, Rule 6, Section 7(b) to permit consideration on Final Reading of the bills under item 11 of the Speaker's agenda.

The Rasmussen motion to suspend the rules prevailed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 72.

A BILL FOR AN ACT relating to low-level radioactive waste; to amend sections 71-3508.02 and 81-15,102, Reissue Revised Statutes of Nebraska, 1943; to eliminate provisions relating to the acceptance or acquisition of radioactive waste by the state; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Crosby	Hillman	Monen	Schmitt
Ashford	Cudaback	Hudkins	Pedersen	Vrtiska
Avery	Day	Janssen	Pirsch	Warner
Beutler	Dierks	Jones	Preister	Wehrbein
Bohlke	Elmer	Kristensen	Rasmussen	Wesely
Bromm	Engel	Landis	Robak	Wickersham
Byars	Fisher	Lindsay	Robinson	Will
Chambers	Hall	Lynch	Schellpeper	Witek
Coordsen	Hartnett	McKenzie	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 2:

Haberman Moore

Excused and not voting, 2:

Bernard-Stevens Matzke

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 885A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Motor Vehicles; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Coordsen	Hartnett	Monen	Schmitt
Ashford	Crosby	Hudkins	Pedersen	Vrtiska
Avery	Cudaback	Janssen	Pirsch	Warner
Bernard-Stevens	Day	Jones	Preister	Wehrbein
Beutler	Dierks	Kristensen	Rasmussen	Wesely
Bohlke	Elmer	Landis	Robak	Wickersham
Bromm	Engel	Lindsay	Robinson	Will
Byars	Fisher	Lynch	Schellpeper	Witek
Chambers	Hall	McKenzie	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 3:

Haberman Hillman Moore

Excused and not voting, 1:

Matzke

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 901. With Emergency.

A BILL FOR AN ACT relating to sales and use tax; to amend sections 77-2701, 77-2702.07, 77-2702.13, and 77-2704.09, Revised Statutes Supplement, 1993; to redefine gross receipts and retail sale; to provide and change exemptions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Coordsen	Hartnett	Monen	Schmitt
Ashford	Crosby	Hillman	Pedersen	Vrtiska
Avery	Cudaback	Hudkins	Pirsch	Warner
Bernard-Stevens	Day	Janssen	Preister	Wehrbein
Beutler	Dierks	Jones	Rasmussen	Wesely
Bohlke	Elmer	Kristensen	Robak	Wickersham
Bromm	Engel	Landis	Robinson	Will
Byars	Fisher	Lindsay	Schellpeper	Witek
Chambers	Hall	McKenzie	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 3:

Haberman	Lynch	Moore

Excused and not voting, 1:

Matzke

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1022. With Emergency.

A BILL FOR AN ACT relating to the Solid Waste Landfill Closure Assistance Fund; to amend sections 81-15,177 and 81-15,178, Revised Statutes Supplement, 1992; to define a term; to change provisions relating to the receipt of funds and state aid; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud	Chambers	Hall	Monen	Schmitt
Ashford	Coordsen	Hartnett	Pedersen	Vrtiska
Avery	Crosby	Hillman	Pirsch	Warner
Bernard-Stevens	Cudaback	Hudkins	Preister	Wehrbein
Beutler	Day	Janssen	Rasmussen	Wesely
Bohlke	Dierks	Jones	Robak	Will
Bromm	Elmer	Landis	Schellpeper	Witek
Byars	Engel	Lindsay	Schimek	Withem
	Fisher			

Voting in the negative, 0.

Present and not voting, 7:

Haberman	Lynch	Moore	Robinson	Wickersham
Kristensen	McKenzie			

Excused and not voting, 1:

Matzke

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 277CA.

A resolution to propose amending the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article IV, section 28:

IV-28 "By January 1, 1996, there shall be a Tax Equalization and Review Commission. The members of the commission ~~A Tax Commissioner~~ shall be appointed by the Governor ~~with the advice and consent of the Senate. He~~ as provided by the Legislature. The commission shall have jurisdiction over ~~the administration of~~ disputes regarding the revenue laws of the state as provided by law. ~~, and together with the Governor, Secretary of State, State Auditor and State Treasurer~~ The commission shall have power to review and equalize assessments of property for taxation within the state. ~~He~~ and shall have such other powers and perform such other duties as the Legislature may provide. ~~His~~ The term of office and compensation of the members of the commission shall be as provided by law.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to establish and provide powers and duties for the Tax Equalization and Review Commission and to eliminate the equalization powers of the Tax Commissioner, Governor, Secretary of State, State Auditor, and State Treasurer.

For

Against".

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 40:

Abboud	Chambers	Fisher	Lindsay	Schmitt
Ashford	Coordsen	Hall	McKenzie	Vrtiska
Avery	Crosby	Hartnett	Pedersen	Warner
Bernard-Stevens	Cudaback	Hillman	Pirsch	Wehrbein
Beutler	Day	Hudkins	Preister	Wesely
Bohlke	Dierks	Janssen	Rasmussen	Wickersham
Bromm	Elmer	Kristensen	Robak	Will
Byars	Engel	Landis	Schimek	Witek

Voting in the negative, 0.

Present and not voting, 8:

Haberman	Lynch	Moore	Schellpeper	Withem
Jones	Monen	Robinson		

Excused and not voting, 1:

Matzke

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1241. With Emergency.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1111, Revised Statutes Supplement, 1993; to exempt from registration a transaction in which a United States Series EE Savings Bond is given as a bonus; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Coordsen	Hartnett	Pedersen	Vrtiska
Ashford	Crosby	Hillman	Pirsch	Warner
Avery	Cudaback	Hudkins	Preister	Wehrbein
Bernard-Stevens	Day	Janssen	Rasmussen	Wesely
Beutler	Dierks	Jones	Robak	Wickersham
Bohlke	Elmer	Kristensen	Robinson	Will
Bromm	Engel	Landis	Schellpeper	Witek
Byars	Fisher	Lindsay	Schimek	Withem
	Hall	Monen	Schmitt	

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Haberman	Lynch	McKenzie	Moore

Excused and not voting, 1:

Matzke

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1349. With Emergency.

A BILL FOR AN ACT relating to the environment; to amend sections 66-1518, 66-1525, and 81-15,113.01, Revised Statutes Supplement, 1993; to adopt the Remedial Action Plan Monitoring Act; to provide for indemnification; to change the last year for the remittance of funds from the Central Interstate Low-Level Radioactive Waste Compact; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud	Byars	Hall	Lindsay	Schellpeper
Ashford	Coordsen	Hartnett	Monen	Schimek
Avery	Cudaback	Hillman	Pedersen	Schmitt
Bernard-Stevens	Day	Hudkins	Pirsch	Vrtiska
Beutler	Dierks	Janssen	Preister	Warner
Bohlke	Elmer	Jones	Rasmussen	Wehrbein
Bromm	Engel	Kristensen	Robak	Wesely
	Fisher	Landis	Robinson	Wickersham

Will	Witek	Withem		

Voting in the negative, 0.

Present and not voting, 6:

Chambers	Haberman	Lynch	McKenzie	Moore
Crosby				

Excused and not voting, 1:

Matzke

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1349A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1349, Ninety-third Legislature, Second Session, 1994; to authorize certain transfers; and to provide an operative date.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Coordsen	Hartnett	Moore	Vrtiska
Ashford	Crosby	Hillman	Pedersen	Warner
Avery	Cudaback	Hudkins	Pirsch	Wehrbein
Bernard-Stevens	Day	Janssen	Preister	Wesely
Beutler	Dierks	Jones	Rasmussen	Wickersham
Bohlke	Elmer	Kristensen	Robak	Will
Bromm	Engel	Landis	Robinson	Witek
Byars	Fisher	Lindsay	Schimek	Withem
	Hall	Monen	Schmitt	

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Haberman	Lynch	McKenzie	Schellpeper

Excused and not voting, 1:

Matzke

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1354.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1207.01 and 2-1208.04, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the use and distribution of a fund; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Abboud	Byars	Hall	Monen	Warner
Ashford	Coordsen	Hartnett	Moore	Wehrbein
Avery	Crosby	Hillman	Pirsch	Wesely
Bernard-Stevens	Cudaback	Hudkins	Rasmussen	Wickersham
	Day	Janssen	Robak	Will
Beutler	Dierks	Jones	Schellpeper	Witek
Bohlke	Elmer	Kristensen	Schmitt	Withem
Bromm	Fisher	Lindsay		

Voting in the negative, 5:

Chambers	Engel	Landis	Preister	Robinson

Present and not voting, 6:

Haberman	McKenzie	Pedersen	Schimek	Vrtiska
Lynch				

Excused and not voting, 1:

Matzke

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1175.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,142.03, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2711 and 77-2753, Revised Statutes Supplement, 1993; to provide duties for the Tax Commissioner relating to the reporting and allocation of city sales and use taxes, certain lodging sales tax

information, and the provision of income tax withholding tables; to change provisions relating to submission of a city sales and use tax question to voters; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Coordsen	Hillman	Moore	Schmitt
Ashford	Crosby	Hudkins	Pedersen	Vrtiska
Avery	Cudaback	Janssen	Pirsch	Warner
Bernard-Stevens	Day	Jones	Preister	Wehrbein
Beutler	Dierks	Kristensen	Rasmussen	Wesely
Bohlke	Elmer	Landis	Robak	Wickersham
Bromm	Engel	Lindsay	Robinson	Will
Byars	Fisher	McKenzie	Schellpeper	Witek
Chambers	Hall	Monen	Schimek	Withem
	Hartnett			

Voting in the negative, 0.

Present and not voting, 2:

Haberman Lynch

Excused and not voting, 1:

Matzke

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LR 29CA to Select File

Mr. Chambers moved to return LR 29CA to Select File for his specific amendment, FA515, found in the Journal on page 1611.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. LINDSAY PRESIDING

Mr. Chambers withdrew his motion to return.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 29CA.

A resolution to propose amending the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to add a new section 28 to Article I:

I-28 "(1) A victim of a crime, as shall be defined by law, or his or her guardian or representative shall have: The right to be informed of all criminal court proceedings; the right to be present at trial unless the trial court finds sequestration necessary for a fair trial for the defendant; and the right to be informed of, be present at, and make an oral or written statement at sentencing, parole, pardon, commutation, and conditional release proceedings. This enumeration of certain rights for crime victims shall not be construed to impair or deny others provided by law or retained by crime victims.

(2) The Legislature shall provide by law for the implementation of the rights granted in this section. There shall be no remedies other than as specifically provided by the Legislature for the enforcement of the rights granted by this section.

(3) Nothing in this section shall constitute a basis for error in favor of a defendant in any criminal proceeding, a basis for providing standing to participate as a party to any criminal proceeding, or a basis to contest the disposition of any charge.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to prescribe that crime victims shall have certain rights. A crime victim or his or her guardian or representative would have the right to be informed of all criminal court proceedings, the right to be present at trial unless the trial court finds that keeping the victim out is necessary for a fair trial for the defendant, and the right to be informed of, be present at, and make an oral or written statement at sentencing, parole, pardon, commutation, and conditional release proceedings. The Legislature would be required to pass laws for implementation of such rights. There would be no remedies other than as specifically provided by the Legislature for the enforcement of such rights.

For

Against".

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 37:

Abboud	Byars	Fisher	Pedersen	Vrtiska
Ashford	Coordsen	Hillman	Pirsch	Warner
Avery	Crosby	Hudkins	Preister	Wehrbein
Bernard-Stevens	Cudaback	Janssen	Robak	Wesely
	Day	Landis	Robinson	Will
Beutler	Dierks	Lindsay	Schellpeper	Witek
Bohlke	Elmer	Monen	Schmitt	Withem
Bromm	Engel	Moore		

Voting in the negative, 5:

Chambers	Hall	Hartnett	Kristensen	Schimek

Present and not voting, 5:

Haberman	Lynch	McKenzie	Rasmussen	Wickersham

Excused and not voting, 2:

Jones	Matzke

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 886.

A BILL FOR AN ACT relating to vital statistics; to amend sections 71-604, 71-627.02, 71-640.01, 71-640.02, and 71-649, Reissue Revised Statutes of Nebraska, 1943, and sections 71-601, 71-628, and 71-644, Revised Statutes Supplement, 1992; to define terms; to change provisions relating to certification of live births as prescribed; to provide for issuance of a birth certificate after sex reassignment surgery; to provide for electronic filing, issuance, and preservation; to provide for records of amendment of vital records; to change provisions relating to birth certificates of foreign-born adoptees and children born out of wedlock; to change and eliminate provisions relating to surnames on birth certificates as prescribed; to provide penalties; to harmonize provisions; to eliminate a provision relating to the filing medium and to copies; to provide operative dates; and to repeal the original sections, and also section 71-607, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Chambers	Hall	Moore	Schmitt
Ashford	Coordsen	Hartnett	Pedersen	Vrtiska
Avery	Crosby	Hillman	Pirsch	Warner
Bernard-Stevens	Cudaback	Hudkins	Preister	Wehrbein
Beutler	Day	Janssen	Rasmussen	Wesely
Bohlke	Dierks	Kristensen	Robak	Wickersham
Bromm	Elmer	Landis	Robinson	Will
Byars	Engel	Lindsay	Schellpeper	Witek
	Fisher	Monen	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 3:

Haberman Lynch McKenzie

Excused and not voting, 2:

Jones Matzke

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 886A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 886, Ninety-third Legislature, Second Session, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud	Coordsen	Hartnett	Moore	Schimek
Avery	Crosby	Hillman	Pedersen	Vrtiska
Bernard-Stevens	Cudaback	Hudkins	Pirsch	Warner
Beutler	Day	Janssen	Preister	Wehrbein
Bohlke	Dierks	Kristensen	Rasmussen	Wesely
Bromm	Elmer	Landis	Robak	Wickersham
Byars	Engel	Lindsay	Robinson	Will
	Hall	Monen	Schellpeper	Witek

Withem

Voting in the negative, 0.

Present and not voting, 7:

Ashford	Fisher	Lynch	McKenzie	Schmitt
Chambers	Haberman			

Excused and not voting, 2:

Jones	Matzke

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1118.

A BILL FOR AN ACT relating to the deposit and investment of public funds; to amend sections 23-3547 and 77-2329, Reissue Revised Statutes of Nebraska, 1943, and section 77-2363, Revised Statutes Supplement, 1993; to allow local hospital districts to deposit excess funds as prescribed; to provide and change powers and duties for the boards of directors and secretary-treasurers of local hospital districts as prescribed; to require depositories to give bonds or other securities as prescribed; to provide penalties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Coordsen	Hillman	Moore	Schmitt
Ashford	Crosby	Hudkins	Pedersen	Vrtiska
Avery	Cudaback	Janssen	Pirsch	Warner
Bernard-Stevens	Day	Kristensen	Preister	Wehrbein
	Dierks	Landis	Rasmussen	Wesely
Bohlke	Elmer	Lindsay	Robak	Wickersham
Bromm	Engel	Lynch	Robinson	Will
Byars	Hall	McKenzie	Schellpeper	Witek
Chambers	Hartnett	Monen	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Fisher	Haberman

Excused and not voting, 2:

Jones Matzke

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER WITHEM PRESIDING

LEGISLATIVE BILL 1034.

A BILL FOR AN ACT relating to solid waste recycling; to amend sections 13-2039 and 81-15,162, Revised Statutes Supplement, 1992, and sections 81-1504.01, 81-1566.01, 81-15,160, 81-15,161, 81-15,164, and 81-15,165, Revised Statutes Supplement, 1993; to prohibit land disposal of scrap tires as prescribed; to require a report; to name the Waste Reduction and Recycling Incentive Act; to state intent; to define and redefine terms; to provide powers and duties for the Director of Environmental Quality; to eliminate powers and duties of the Environmental Quality Council; to provide for a scrap tire reduction and recycling program; to create a fund; to provide for and change provisions relating to permits and fees; to provide for grants and loans as prescribed; to harmonize provisions; to provide a termination date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Coordsen	Hillman	Monen	Schimek
Ashford	Crosby	Hudkins	Moore	Schmitt
Avery	Cudaback	Janssen	Pedersen	Vrtiska
Bernard-Stevens	Day	Kristensen	Pirsch	Wehrbein
	Dierks	Landis	Preister	Wesely
Beutler	Elmer	Lindsay	Rasmussen	Wickersham
Bohlke	Engel	Lynch	Robak	Will
Bromm	Fisher	Matzke	Robinson	Witek
Byars	Hall	McKenzie	Schellpeper	Withem
Chambers	Hartnett			

Voting in the negative, 0.

Present and not voting, 2:

Haberman Warner

Excused and not voting, 1:

Jones

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1034A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1034, Ninety-third Legislature, Second Session, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Crosby	Hillman	McKenzie	Schellpeper
Avery	Cudaback	Hudkins	Monen	Schimek
Bernard-Stevens	Day	Janssen	Moore	Schmitt
Beutler	Dierks	Kristensen	Pirsch	Vrtiska
Bohlke	Elmer	Landis	Preister	Wehrbein
Bromm	Engel	Lindsay	Rasmussen	Wesely
Byars	Fisher	Lynch	Robak	Wickersham
Chambers	Hall	Matzke	Robinson	Witek
	Hartnett			

Voting in the negative, 0.

Present and not voting, 7:

Ashford	Haberman	Warner	Will	Withem
Coordsen	Pedersen			

Excused and not voting, 1:

Jones

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1061. With Emergency.

A BILL FOR AN ACT relating to property; to amend section 52-601.01, Reissue Revised Statutes of Nebraska, 1943, section 60-482, Revised Statutes Supplement, 1992, and sections 60-320, 60-6,298, 75-363, 75-364, and 84-712.05, Revised Statutes Supplement, 1993; to

change the period of time required before disposing of personal property; to change provisions relating to motor vehicle registration; to eliminate an advisory committee; to authorize local authorities to issue certain special permits; to change provisions relating to the intrastate application of federal motor carrier safety and hazardous material regulations; to provide for disclosure of records relating to alcohol or drugs in body fluids; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Coordsen	Hillman	Monen	Schmitt
Ashford	Crosby	Hudkins	Moore	Vrtiska
Avery	Cudaback	Janssen	Pedersen	Warner
Bernard-Stevens	Day	Kristensen	Pirsch	Wehrbein
Beutler	Dierks	Landis	Preister	Wesely
Bohlke	Elmer	Lindsay	Rasmussen	Wickersham
Bromm	Engel	Lynch	Robak	Will
Byars	Fisher	Matzke	Robinson	Witek
Chambers	Hall	McKenzie	Schimek	Withem
	Hartnett			

Voting in the negative, 0.

Present and not voting, 2:

Haberman Schellpeper

Excused and not voting, 1:

Jones

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT ROBAK PRESIDING

MOTION - Return LB 1061A to Select File

Mr. Kristensen moved to return LB 1061A to Select File for the following specific amendment:
FA582
Strike the enacting clause.

The Kristensen motion to return prevailed with 35 ayes, 1 nay, 12 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1061A. The Kristensen specific amendment, FA582, found in this day's Journal, was adopted with 39 ayes, 1 nay, 8 present and not voting, and 1 excused and not voting.

LB 1061A stands indefinitely postponed.

REPORT OF THE EXECUTIVE BOARD

The Legislative Council Executive Board submits the attached report on the rereferral of legislative resolution 451.

451 Interim study relating to water contamination in the state Natural Resources

(Signed) Timothy J. Hall, Chairperson
Executive Board

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following resolutions were correctly enrolled: 337 and 349.

(Signed) Janis M. McKenzie, Chairperson

ENROLLED RESOLUTIONS

LEGISLATIVE RESOLUTION 337. Introduced by Beutler, 28.

WHEREAS, the Hardin Farms, Inc., wishes to convey to the Game and Parks Commission property located in Cherry County, Nebraska, which will be maintained as an addition to Smith Falls State Park for public outdoor recreation activities; and

WHEREAS, the Game and Parks Commission has the general authority to acquire real estate by gift with the consent of the Governor; and

WHEREAS, in the interest of promoting outdoor opportunities for Nebraskans, the Legislature wishes to grant approval for the Game and Parks Commission to obtain title to that property being conveyed by the Hardin Farms, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature approves the gift from the Hardin Farms, Inc. to the Game and Parks Commission of all of the real estate described as:

> That part of the northeast quarter of section 25, township 34 north, range 26 west of the 6th principal meridian, lying west of the east line of said quarter, south of the fence on the south side of the county road, and north and east of the center line of the Niobrara River and containing 34.0 acres, more or less.

2. That such approval is granted with the understanding that (a) the property shall be surveyed and the description from the survey shall be included on the deed conveying the property to the Game and Parks Commission and (b) the property described shall be designated and utilized as an addition to Smith Falls State Park.

LEGISLATIVE RESOLUTION 349. Introduced by Beutler, 28.

WHEREAS, the protection of the public health and welfare is the primary concern of public water supply systems; and

WHEREAS, the ability of public water supply systems to protect the health and welfare of its citizenry has been greatly reduced by unfunded federal mandates contained in the Safe Drinking Water Act; and

WHEREAS, public water supply systems cannot afford to commit limited resources on federal mandates which provide little or no benefit to public health, but must rather be permitted to focus their resources on protections which ensure the highest safety for public health; and

WHEREAS, several proposals currently before Congress would amend the Safe Drinking Water Act to allow public water supply systems greater ability to effectively protect the public health and welfare by ensuring that limited public resources can be sensibly focused on the most serious risks presented by contaminants in drinking water.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature urges Congress to amend the Safe Drinking Water Act in such a manner as will permit public water supply systems to focus their resources on issues which threaten public health and which will provide flexibility in meeting the real health needs of its citizenry.

2. That the Clerk of the Legislature transmit a copy of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, all members

of the congressional delegation from the State of Nebraska, the Administrator of the United States Environmental Protection Agency, and the Regional Administrator, Region VII of the United States Environmental Protection Agency.

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE RESOLUTION 502. Reported to the Legislature for further consideration.

(Signed) Don Wesely, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolutions: 694, 694A, 1066, 1224, 1224A, 513, 513A, 72, 885A, 901, 1022, LR 277CA, 1241, 1349, 1349A, 1354, 1175, LR 29CA, 886, 886A, 1118, 1034, 1034A, and 1061.

While the Legislature was in session and capable of transacting business, the President signed the following enrolled resolutions: LR 337 and LR 349.

SELECT FILE

LEGISLATIVE RESOLUTION 15CA. Mr. Kristensen renewed his pending amendment, AM4579, found in the Journal on page 2010.

Messrs. Wickersham, Lynch, and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to the Kristensen pending amendment:
FA583
Amend AM4579
Line 13, strike, beginning with "If", through "vote" in line 15.

Mr. Moore asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chambers amendment was adopted with 26 ayes, 3 nays, 16 present and not voting, and 4 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Kristensen offered the following amendment to his pending amendment:
FA584

(Amendments to Final Reading copy)

1. Strike sections 1 and 2 and insert the following new sections:

"Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article III, section 14:

III-14 'Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member. The ~~, and the~~ bill and all amendments thereto shall be printed and presented ~~read at large~~ before the vote is taken upon its final passage and shall be read at large unless three-fifths of all the members elected vote not to read the bill and all amendments at large. No ~~such~~ vote upon the final passage of any bill shall be taken~~, however,~~ until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the ~~same~~ subject shall be clearly expressed in the title. ~~And no~~ No law shall be amended unless the new act contain the section or sections as amended and the section or sections so amended shall be repealed. The Lieutenant Governor, or the Speaker if acting as presiding officer, shall sign, in the presence of the Legislature while the same is in session and capable of transacting business, all bills and resolutions passed by the Legislature.'.

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

'A constitutional amendment to authorize the Legislature to vote upon final passage of a bill when the bill and all amendments thereto are printed, presented, and read at large unless reading at large is waived by three-fifths vote of the members elected.

For

Against'.".

The Kristensen amendment was adopted with 32 ayes, 1 nay, 11 present and not voting, and 5 excused and not voting.

Mr. Elmer asked unanimous consent to be excused. No objections. So ordered.

Messrs. Haberman and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Kristensen moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The Kristensen amendment, as amended, was adopted with 41 ayes, 1 nay, 1 present and not voting, and 6 excused and not voting.

Mr. Hartnett withdrew his motion, found in the Journal on page 764, to reconsider the vote on Senator Chambers amendment, found on page 647 to LR 15CA.

Mr. Chambers withdrew his amendment, FA374, found in the Journal on page 757.

Mr. Withem withdrew his amendment, AM3305, found in the Journal on page 860.

Mr. Hall requested a machine vote on the advancement of the resolution.

Advanced to E & R for engrossment with 28 ayes, 12 nays, 3 present and not voting, and 6 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 14, 1994, at 6:05 p.m., were the following bills: 694, 694A, 1066, 1224, 1224A, 513, 513A, 72, 885A, 901, 1022, 1241, 1349, 1349A, 1354, 1175, 886, 886A, 1118, 1034, 1034A, and 1061.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

VISITORS

Visitors to the Chamber were 16 seniors and sponsor from Pleasanton High School; 24 fourth grade students and teacher from Axtell Elementary School; and nine seniors and sponsor from Norfolk High School.

ADJOURNMENT

At 6:39 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Friday, April 15, 1994.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTIETH DAY - APRIL 15, 1994

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 15, 1994

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Avery, Bernard-Stevens, Bromm, Byars, Chambers, Hall, Landis, Lynch, Moore, Preister, Robinson, Mrs. McKenzie, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-ninth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following resolution was correctly engrossed: 15CA.

Enrollment and Review Change to LR 15CA

The following changes, required to be reported for publication in the Journal, have been made:
ER7501
1. In AM2793:

a. On page 1, line 12, "to the Legislature" has been inserted after "elected"; and in line 19 "shall" has been inserted after "act"; and

b. On page 2, line 12, "to the Legislature" has been inserted after "elected".

(Signed) Janis M. McKenzie, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: 385, 391, 496, 499, 500, 501, 503, 504, 505, 506, and 507.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Landis asked unanimous consent to have his name added as cointroducer to LB 902. No objections. So ordered.

Mr. Wesely asked unanimous consent to have his name added as cointroducer to LB 902. No objections. So ordered.

Mr. Beutler asked unanimous consent to have his name added as cointroducer to LB 902. No objections. So ordered.

MOTION - Suspend Rules

Mr. Withem moved to suspend the rules, Rule 6, Section 7(b) to permit consideration of those bills on Final Reading listed under item 6 of the Speaker's agenda.

The Withem motion to suspend the rules prevailed with 32 ayes, 0 nays, 4 present and not voting, and 13 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1364. With Emergency.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize certain write-offs as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud	Day	Janssen	Pirsch	Vrtiska
Ashford	Dierks	Jones	Preister	Warner
Bernard-Stevens	Elmer	Kristensen	Rasmussen	Wehrbein
Beutler	Engel	Lindsay	Robak	Wesely
Bohlke	Fisher	Matzke	Robinson	Wickersham
Coordsen	Haberman	McKenzie	Schellpeper	Will
Crosby	Hartnett	Monen	Schimek	Witek
Cudaback	Hillman	Pedersen	Schmitt	Withem
	Hudkins			

Voting in the negative, 0.

Excused and not voting, 8:

Avery	Byars	Hall	Lynch	Moore
Bromm	Chambers	Landis		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 902. With Emergency.

A BILL FOR AN ACT relating to real property; to amend sections 76-214, 77-1362, 77-1364, 77-3501, 77-3504, 77-3507, 77-3509, 77-3511, 77-3521, 77-3522, 77-3523, and 77-3529, Reissue Revised Statutes of Nebraska, 1943, sections 77-1315, 77-1338, 77-1363, 77-1502, 77-1504, 77-1506.02, 77-1514, 77-3508, 77-3510, 77-3513, and 77-3514, Revised Statutes Supplement, 1992, and sections 13-509 and 77-507.01, Revised Statutes Supplement, 1993; to establish agricultural and horticultural land valuation boards and land manual areas; to define and redefine terms; to provide powers; to provide appeal procedures; to change provisions relating to valuation and categorization of agricultural land and horticultural land; to change provisions relating to statements about real estate conveyances and provide for access by appraisers; to change provisions relating to homestead exemptions; to provide for adjustments to reimbursements; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Bernard-	Beutler	Bromm	Crosby
Ashford	Stevens	Bohlke	Coordsen	Cudaback

Day	Hillman	Matzke	Robak	Wehrbein
Dierks	Hudkins	McKenzie	Robinson	Wesely
Elmer	Janssen	Monen	Schellpeper	Wickersham
Engel	Jones	Pedersen	Schimek	Will
Fisher	Kristensen	Pirsch	Schmitt	Witek
Haberman	Landis	Preister	Vrtiska	Withem
Hartnett	Lindsay	Rasmussen	Warner	

Voting in the negative, 0.

Excused and not voting, 6:

Avery	Chambers	Hall	Lynch	Moore
Byars				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 902A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 902, Ninety-third Legislature, Second Session, 1994; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud	Crosby	Hillman	Pedersen	Schmitt
Ashford	Cudaback	Hudkins	Pirsch	Vrtiska
Avery	Day	Jones	Preister	Warner
Bernard-	Dierks	Kristensen	Rasmussen	Wehrbein
Stevens	Elmer	Landis	Robak	Wesely
Beutler	Engel	Lindsay	Robinson	Wickersham
Bohlke	Fisher	Matzke	Schellpeper	Will
Bromm	Haberman	McKenzie	Schimek	Withem
Coordsen	Hartnett	Monen		

Voting in the negative, 0.

Present and not voting, 2:

Janssen Witek

Excused and not voting, 5:

Byars	Chambers	Hall	Lynch	Moore

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendment to LB 1207

Mr. Lindsay withdrew his amendment, AM4365, printed separately from the Journal and referred to on page 1769, to LB 1207.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1207. With Emergency.

A BILL FOR AN ACT relating to government; to amend sections 13-2001, 13-2003, 13-2022, 13-2034, 13-2036, 13-2038, 13-2039, 13-2042, and 77-27,147, Revised Statutes Supplement, 1992, and sections 60-335, 77-2703, 77-2704.15, and 81-15,176, Revised Statutes Supplement, 1993; to provide budget requirements for joint entities and agencies created pursuant to the Interlocal Cooperation Act and Integrated Solid Waste Management Act; to provide for rebate of a landfill disposal fee; to provide duties concerning and costs of actions involving solid waste facilities, rules and regulations, permits, and permit applications for such facilities; to change provisions relating to disposal of yard waste and the time of payment of a landfill disposal fee; to change the interest rate charged for late payments; to define a term; to provide duties for the Department of Environmental Quality, the Environmental Quality Council, and the Department of Administrative Services; to require approval of actions of sanitary and improvement districts relating to solid waste disposal sites; to change provisions relating to the Environmental Trust Fund; to exempt certain motor vehicles from registration fees; to exempt certain purchases from sales and use taxes; to change provisions relating to leases and sales tax; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud	Avery	Bernard-Stevens	Beutler	Coordsen
Ashford			Bohlke	Crosby

Cudaback	Hartnett	Lindsay	Rasmussen	Wehrbein
Day	Hillman	Matzke	Robak	Wesely
Dierks	Hudkins	McKenzie	Robinson	Wickersham
Elmer	Janssen	Monen	Schimek	Will
Engel	Jones	Pedersen	Schmitt	Witek
Fisher	Kristensen	Pirsch	Vrtiska	Withem
Haberman	Landis	Preister	Warner	

Voting in the negative, 1:

Schellpeper

Present and not voting, 1:

Bromm

Excused and not voting, 5:

Byars	Chambers	Hall	Lynch	Moore

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1207A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1207, Ninety-third Legislature, Second Session, 1994; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Abboud	Crosby	Hillman	McKenzie	Vrtiska
Ashford	Day	Hudkins	Monen	Warner
Avery	Dierks	Janssen	Pedersen	Wehrbein
Bernard-Stevens	Elmer	Jones	Preister	Wesely
	Engel	Kristensen	Rasmussen	Will
Beutler	Fisher	Landis	Robinson	Witek
Bohlke	Hall	Lindsay	Schimek	Withem
Coordsen	Hartnett	Matzke	Schmitt	

Voting in the negative, 0.

Present and not voting, 7:

Bromm	Haberman	Robak	Schellpeper	Wickersham
Cudaback	Pirsch			

Excused and not voting, 4:

Byars	Chambers	Lynch	Moore

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 994.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-27,147, Revised Statutes Supplement, 1992, and section 77-2703, Revised Statutes Supplement, 1993; to change provisions relating to collection of tax on leases and rentals of certain vehicles; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud	Crosby	Hall	McKenzie	Schmitt
Ashford	Cudaback	Hartnett	Monen	Vrtiska
Avery	Day	Hillman	Pedersen	Warner
Bernard-Stevens	Dierks	Hudkins	Pirsch	Wesely
	Elmer	Jones	Preister	Wickersham
Beutler	Engel	Kristensen	Rasmussen	Will
Bohlke	Fisher	Landis	Robak	Witek
Bromm	Haberman	Lindsay	Schellpeper	Withem
Coordsen				

Voting in the negative, 0.

Present and not voting, 5:

Janssen	Matzke	Robinson	Schimek	Wehrbein

Excused and not voting, 4:

Byars	Chambers	Lynch	Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1223. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 44-2835, 71-1,132.08, 71-1,132.20, 71-1,132.49, 71-1,198, 71-1,199, 71-374, 71-375, 71-397, 71-1626 to 71-1629, 71-1629.02, 71-1630, 71-4711, 71-5504, 71-5829, 71-6065, 71-6113, and 79-444.03, Reissue Revised Statutes of Nebraska, 1943, sections 71-155, 71-161.03, 71-168, 71-172.01, 71-1,104, 71-1,200, 71-1,202, 71-382, 71-3,171, 71-527 to 71-529, 71-1629.01, 71-3401, 71-3402, 71-3708, 71-3710, 71-4712, 71-5505, 71-5652, 71-5653, 71-5659, 71-5661 to 71-5666, 71-5669, 71-6061, 71-6114, 71-7423, 71-7501, 71-7502, 71-7503, 71-7514, 71-7516, 71-7517, and 71-7521, Revised Statutes Supplement, 1992, and sections 71-101, 71-110, 71-113, 71-116, 71-147, 71-162, 71-168.01, 71-1,132.07, 71-1,204, 71-1331, 71-1757, 71-2023, 71-3706, 71-3707, 71-4715, 71-5668, 71-5674, 71-5676, 71-5677, 71-6054, 79-444.01, and 79-444.07, Revised Statutes Supplement, 1993; to change procedures relating to malpractice settlements and judgments; to provide additional members for certain boards; to provide additional grounds for discipline and reporting requirements related to health professionals; to change procedures for disciplinary proceedings; to provide for cease and desist orders; to provide and change fees; to provide immunity from liability; to change provisions relating to confidentiality and disclosure of information; to require court clerks to provide reports; to change procedures for certain actions and proceedings; to provide for a statewide immunization program for certain children; to provide for contracts for vaccine; to change provisions relating to local health departments, boards, and taxes; to eliminate provisions relating to establishment, referendum, and termination elections for local health departments; to change provisions of the Rural Health Systems and Professional Incentive Act and the Rural Health Opportunities Loan Act; to create a fund; to adopt the Primary Care Provider Act and the Nebraska Trauma Systems Development Act; to change a licensing provision; to rename and change provisions of the Community Public Health Services Act; to state intent; to provide a termination date; to adopt the Health Care Facility-Provider Cooperation Act; to provide for health care data analysis; to require a report; to change and eliminate provisions relating to immunization requirements for school enrollment; to provide immunity for health care payors relating to certain discussions and inquiries; to eliminate the Commission on Medical Qualifications; to harmonize provisions; to provide operative dates; to repeal the original sections, and also sections 44-2848 to 44-2850, 44-2852, and 44-2853, Reissue Revised Statutes of Nebraska, 1943, sections 44-2851, 71-7518, and 71-7519, Revised Statutes Supplement, 1992, and section 79-444.08, Revised Statutes Supplement, 1993; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Coordsen	Hall	McKenzie	Schimek
Ashford	Crosby	Hartnett	Monen	Schmitt
Avery	Cudaback	Hillman	Pedersen	Vrtiska
Bernard-Stevens	Day	Hudkins	Pirsch	Wehrbein
	Dierks	Janssen	Preister	Wesely
Beutler	Elmer	Jones	Rasmussen	Wickersham
Bohlke	Engel	Landis	Robak	Will
Bromm	Fisher	Lindsay	Robinson	Witek
Byars	Haberman	Matzke	Schellpeper	Withem

Voting in the negative, 0.

Present and not voting, 2:

Kristensen Warner

Excused and not voting, 3:

Chambers Lynch Moore

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

ANNOUNCEMENT

The Chair announced tomorrow is Senator Will's birthday.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1223A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1223, Ninety-third Legislature, Second Session, 1994; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Coordsen	Hartnett	Monen	Schmitt
Ashford	Crosby	Hillman	Pedersen	Vrtiska
Avery	Day	Hudkins	Pirsch	Warner
Bernard-Stevens	Dierks	Janssen	Preister	Wehrbein
	Elmer	Jones	Rasmussen	Wesely
Beutler	Engel	Landis	Robak	Wickersham
Bohlke	Fisher	Lindsay	Robinson	Will
Bromm	Haberman	Matzke	Schellpeper	Witek
Byars	Hall	McKenzie	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 2:

Cudaback Kristensen

Excused and not voting, 3:

Chambers Lynch Moore

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1275.

A BILL FOR AN ACT relating to transactions and records; to amend sections 76-214, 76-215, 76-1018, and 84-712.01, Reissue Revised Statutes of Nebraska, 1943, and sections 45-711, 77-1311, and 77-1327, Revised Statutes Supplement, 1992; to define terms; to provide requirements for real estate closing agents; to provide powers and duties for the Attorney General, the Tax Commissioner, county attorneys, registers of deeds, county assessors, and regulating entities; to provide a penalty; to change duties relating to mortgage bankers; to provide duties and liability for mortgagees, trustees, and beneficiaries; to authorize civil actions and attorney's fees and costs; to provide filing duties for purchasers of real property as prescribed by the Tax Commissioner; to state intent; to authorize alternative means to access public records; to eliminate provisions relating to satisfaction of obligations on real estate; to harmonize provisions; and to repeal the original sections, and also sections 76-255 and 76-1014, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud	Coordsen	Hartnett	Monen	Vrtiska
Ashford	Crosby	Hillman	Pedersen	Warner
Avery	Cudaback	Hudkins	Pirsch	Wehrbein
Bernard-Stevens	Day	Janssen	Preister	Wesely
Beutler	Dierks	Jones	Rasmussen	Wickersham
Bohlke	Elmer	Landis	Robak	Will
Bromm	Engel	Lindsay	Schellpeper	Witek
Byars	Haberman	Matzke	Schimek	Withem
	Hall	McKenzie	Schmitt	

Voting in the negative, 0.

Present and not voting, 3:

Fisher	Kristensen	Robinson

Excused and not voting, 3:

Chambers	Lynch	Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1275A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1275, Ninety-third Legislature, Second Session, 1994; and to provide for reductions in appropriations.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Coordsen	Hillman	Monen	Schmitt
Ashford	Crosby	Hudkins	Pedersen	Vrtiska
Avery	Cudaback	Janssen	Pirsch	Warner
Bernard-Stevens	Day	Jones	Rasmussen	Wehrbein
Beutler	Dierks	Landis	Robak	Wesely
Bohlke	Elmer	Lindsay	Robinson	Wickersham
Bromm	Engel	Matzke	Schellpeper	Will
Byars	Hall	McKenzie	Schimek	Withem
	Hartnett			

Voting in the negative, 0.

Present and not voting, 5:

Fisher	Haberman	Kristensen	Preister	Witek

Excused and not voting, 3:

Chambers	Lynch	Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 718 to Select File

Mr. Wesely moved to return LB 718 to Select File for the following specific amendment:
FA585
Amend by adding a new section
"The provisions of 44-513.02 (2) will not apply to counties with over 200,000 population."

Mr. Wesely withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 718.

A BILL FOR AN ACT relating to insurance; to amend section 44-513.02, Revised Statutes Supplement, 1992; to prohibit certain provisions in medical benefit contracts; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Abboud	Byars	Haberman	McKenzie	Schellpeper
Ashford	Coordsen	Hillman	Monen	Schmitt
Avery	Crosby	Janssen	Pedersen	Vrtiska
Bernard-Stevens	Cudaback	Jones	Rasmussen	Wehrbein
Bohlke	Day	Kristensen	Robak	Wickersham
Bromm	Dierks	Lindsay	Robinson	Witek
	Elmer	Matzke		

Voting in the negative, 10:

Beutler	Landis	Preister	Warner	Will
Hall	Pirsch	Schimek	Wesely	Withem

Present and not voting, 4:

Engel	Fisher	Hartnett	Hudkins

Excused and not voting, 3:

Chambers	Lynch	Moore

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 833. With Emergency.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2309, 23-2309.01, 23-2311, 23-2315, 23-2318, 23-2323, 23-2331, 24-702, 24-705 to 24-708, 24-710.02, 24-712, 48-155.01, 84-1320, and 84-1325, Reissue Revised Statutes of Nebraska, 1943, sections 23-2310, 24-701, 24-703, 24-704, 24-710, 24-714, 79-1501, 79-1528, 79-1531, 81-2014, 81-2015, 81-2017 to 81-2019, 81-2021, 81-2031, 81-2032, 84-1310, 84-1310.01, 84-1311, 84-1331, and 84-1503, Revised Statutes Supplement, 1992, and sections 23-2301, 24-710.03, 79-1501.01, 81-2025, and 81-2026, Revised Statutes Supplement, 1993; to define and redefine terms; to change provisions relating to state and local retirement systems; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections, and also section 79-1522.03, Reissue Revised Statutes of Nebraska, 1943, and section 84-1312, Revised Statutes Supplement, 1992; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Crosby	Hillman	Monen	Schmitt
Ashford	Cudaback	Hudkins	Pedersen	Vrtiska
Avery	Day	Janssen	Pirsch	Warner
Bernard-Stevens	Elmer	Jones	Preister	Wehrbein
	Engel	Kristensen	Rasmussen	Wesely
Bohlke	Fisher	Landis	Robak	Wickersham
Bromm	Haberman	Lindsay	Robinson	Will
Byars	Hall	Matzke	Schellpeper	Witek
Coordsen	Hartnett	McKenzie	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 2:

Beutler Dierks

Excused and not voting, 3:

Chambers Lynch Moore

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 833A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 833, Ninety-third Legislature, Second Session, 1994; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Crosby	Hartnett	McKenzie	Vrtiska
Ashford	Cudaback	Hillman	Monen	Warner
Avery	Day	Hudkins	Pedersen	Wehrbein
Bernard-Stevens	Dierks	Janssen	Pirsch	Wesely
Bohlke	Elmer	Jones	Rasmussen	Wickersham
Bromm	Engel	Kristensen	Robak	Will
Byars	Fisher	Landis	Schellpeper	Witek
Coordsen	Haberman	Lindsay	Schimek	Withem
	Hall	Matzke	Schmitt	

Voting in the negative, 0.

Present and not voting, 3:

Beutler Preister Robinson

Excused and not voting, 3:

Chambers Lynch Moore

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1257. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend sections 13-501, 13-503, and 13-509.01, Revised Statutes Supplement, 1993; to authorize exceeding certain cash expenditure limits; to redefine a term; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Crosby	Hartnett	McKenzie	Vrtiska
Ashford	Cudaback	Hillman	Monen	Warner
Avery	Day	Hudkins	Pedersen	Wehrbein
Bernard-Stevens	Dierks	Janssen	Pirsch	Wesely
	Elmer	Jones	Preister	Wickersham
Bohlke	Engel	Kristensen	Rasmussen	Will
Bromm	Fisher	Landis	Robak	Witek
Byars	Haberman	Lindsay	Schimek	Withem
Coordsen	Hall	Matzke	Schmitt	

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Robinson	Schellpeper

Excused and not voting, 3:

Chambers	Lynch	Moore

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 1364, 902, 902A, 1207, 1207A, 994, 1223, 1223A, 1275, and 1275A.

UNANIMOUS CONSENT - Member Excused

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

UNANIMOUS CONSENT - Pass Over LB 140 and LB 140A

Mr. Bernard-Stevens asked unanimous consent to pass over LB 140 and LB 140A. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1087. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2702.07 and 77-2702.17, Revised Statutes Supplement, 1993; to exempt labor and installation services from sales and use tax as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud	Day	Hillman	McKenzie	Schmitt
Ashford	Dierks	Hudkins	Monen	Vrtiska
Avery	Elmer	Janssen	Pedersen	Warner
Beutler	Engel	Jones	Pirsch	Wehrbein
Bohlke	Fisher	Kristensen	Rasmussen	Wesely
Bromm	Haberman	Landis	Robak	Wickersham
Byars	Hall	Lindsay	Robinson	Will
Cudaback	Hartnett	Matzke	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 5:

Bernard-Stevens	Coordsen	Preister	Schellpeper	Witek

Excused and not voting, 4:

Chambers	Crosby	Lynch	Moore

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 961 to Select File

Mr. Wesely moved to return LB 961 to Select File for the following specific amendment:
FA586
Strike the enacting clause.

SPEAKER WITHEM PRESIDING

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Wesely withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 961.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Supplement, 1992, and sections 66-1344, 66-1345, 66-1347, 77-2602, and 77-4401, Revised Statutes Supplement, 1993; to change provisions relating to ethanol production credits; to provide powers for the Tax Commissioner relating to the credits; to provide and change funding of the credits; to require projections and reports relating to the credits; to provide for employment of Nebraska residents as prescribed; to create funds and provide for their use; to define a term; to exempt livestock from personal property taxation; to change the distribution of cigarette tax revenue and provide for use of the distributions; to create a commission and provide duties; to change provisions relating to the fertilizer fee; to provide operative dates; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud	Bernard-Stevens	Byars	Cudaback	Engel
Ashford		Chambers	Day	Fisher
Avery	Beutler	Coordsen	Elmer	Hall

Hartnett	Lindsay	Moore	Robinson	Wickersham
Hudkins	Lynch	Pedersen	Schellpeper	Will
Janssen	Matzke	Pirsch	Schmitt	Witek
Jones	McKenzie	Rasmussen	Vrtiska	Withem
Landis	Monen	Robak	Wehrbein	

Voting in the negative, 9:

Bohlke	Crosby	Hillman	Schimek	Wesely
Bromm	Haberman	Kristensen	Warner	

Present and not voting, 2:

Dierks Preister

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 293CA.

A resolution to propose amending the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article III, section 24:

III-24 "(1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for other purposes as directed by the Legislature. No lottery game shall be conducted as part of the lottery

unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees ~~within a licensed racetrack enclosure~~ at such locations and by such means as are authorized by the Legislature or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to remove the restriction that wagering on the result of horseraces be conducted within a licensed racetrack enclosure and authorize such wagering to be conducted at such locations and by such means as are authorized by the Legislature.

For

Against".

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 31:

Abboud	Dierks	Hillman	Monen	Schellpeper
Bernard-Stevens	Elmer	Jones	Moore	Vrtiska
Byars	Engel	Kristensen	Pedersen	Warner
Coordsen	Fisher	Lindsay	Pirsch	Wickersham
Cudaback	Haberman	Matzke	Rasmussen	Will
Day	Hall	McKenzie	Robinson	Witek
	Hartnett			

Voting in the negative, 11:

Ashford	Chambers	Landis	Schmitt	Wesely
Avery	Crosby	Schimek	Wehrbein	Withem
Beutler				

Present and not voting, 7:

Bohlke	Hudkins	Lynch	Preister	Robak
Bromm	Janssen			

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 188.

A BILL FOR AN ACT relating to real estate; to amend section 76-2,110, Reissue Revised Statutes of Nebraska, 1943, and section 1, Legislative Bill 441, Ninety-third Legislature, Second Session, 1994; to limit actions to cancel or invalidate conveyances subdividing real estate as prescribed; to provide for the validity of certain deeds executed by a personal representative; to change provisions relating to eminent domain; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud	Coordsen	Hartnett	McKenzie	Schmitt
Ashford	Crosby	Hillman	Monen	Vrtiska
Avery	Cudaback	Hudkins	Moore	Warner
Bernard-Stevens	Day	Janssen	Pedersen	Wehrbein
Beutler	Dierks	Jones	Pirsch	Wesely
Bohlke	Elmer	Kristensen	Preister	Wickersham
Bromm	Engel	Landis	Rasmussen	Will
Byars	Fisher	Lindsay	Robinson	Witek
Chambers	Haberman	Lynch	Schellpeper	Withem
	Hall	Matzke	Schimek	

Voting in the negative, 0.

Present and not voting, 1:

Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 677. With Emergency.

A BILL FOR AN ACT relating to probation, parole, and pardons; to amend sections 83-189, 83-190, 83-1,126, 83-1,126.01, 83-1,129, and 83-1,130, Reissue Revised Statutes of Nebraska, 1943, section 83-1,118, Revised Statutes Supplement, 1992, and sections 29-2264,

83-188, 83-191, 83-192, 83-1,100, 83-1,100.01, 83-1,113, 83-1,127, and 83-1,127.01, Revised Statutes Supplement, 1993; to change provisions relating to the restoration of civil rights; to provide for applicability of the State Personnel System to Board of Parole employees; to change and eliminate provisions relating to the powers and duties of the Board of Parole and its employees, the Board of Pardons, the Office of Parole Administration, and the Department of Correctional Services; to change provisions relating to applications for pardons; to provide for transfer of certain items as prescribed; to change provisions relating to substance abuse therapy; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Ashford	Crosby	Hudkins	Monen	Vrtiska
Avery	Cudaback	Janssen	Moore	Warner
Bernard-Stevens	Day	Jones	Pedersen	Wehrbein
Beutler	Dierks	Kristensen	Pirsch	Wesely
Bohlke	Elmer	Landis	Preister	Wickersham
Byars	Engel	Lindsay	Rasmussen	Will
Chambers	Fisher	Lynch	Robinson	Witek
Coordsen	Hall	Matzke	Schmitt	Withem
	Hartnett			

Voting in the negative, 0.

Present and not voting, 8:

Abboud	Haberman	McKenzie	Schellpeper	Schimek
Bromm	Hillman	Robak		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 677A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1993, LB 541, section 138; to appropriate funds to aid in carrying out the provisions of Legislative Bill 677, Ninety-third Legislature, Second Session, 1994; to reduce an appropriation; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Ashford	Coordsen	Hartnett	Lynch	Schmitt
Avery	Crosby	Hillman	Matzke	Vrtiska
Bernard-Stevens	Cudaback	Hudkins	Monen	Warner
	Day	Janssen	Pedersen	Wehrbein
Beutler	Dierks	Jones	Pirsch	Wesely
Bohlke	Elmer	Kristensen	Preister	Wickersham
Bromm	Engel	Landis	Rasmussen	Will
Byars	Fisher	Lindsay	Robinson	Witek
Chambers	Hall			

Voting in the negative, 0.

Present and not voting, 8:

Abboud	McKenzie	Robak	Schimek	Withem
Haberman	Moore	Schellpeper		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills and resolution: 718, 833, 833A, 1257, 1087, 961, LR 293CA, 188, 677, and 677A.

MESSAGE FROM THE GOVERNOR

April 15, 1994

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 1337 was received in my office on April 12, 1994; Engrossed Legislative Bills 900 and 900A were received on April 13, 1994; and Engrossed Legislative Bill 72 was received on April 14, 1994.

These bills were signed by me on April 15, 1994, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 15, 1994, at 11:10 a.m., were the following bills: 1364, 902, 902A, 1207, 1207A, 994, 1223, 1223A, 1275, and 1275A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on April 15, 1994, at 9:15 a.m., were the following resolutions: LR 277CA and LR 29CA.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

VISITORS

Visitors to the Chamber were 26 fourth grade students and sponsor from Coleridge Community School; 46 sixth grade students and teachers from Abraham Lincoln Elementary, Hastings; 18 fifth grade students and teacher from Oxford; nine juniors, seniors, and teacher from Community Christian School, Council Bluffs, Iowa; Senator Monen's daughter and grandchildren, Michaela, Grant, and Rachel Goerke; 25 seniors and sponsor from Red Cloud; 27 fourth grade students and teacher from Wildwood Elementary, Ralston; and 28 fourth grade students and sponsor from Anderson Grove Elementary, Papillion-LaVista.

RECESS

At 12:01 p.m., on a motion by Mr. Lindsay, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Ashford, Avery, Coordsen, Haberman, Kristensen, Landis, and Mrs. Robak who were excused until they arrive.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 15, 1994, at 1:00 p.m., were the following bills: 677, 677A, 188, 718, 833, 833A, 1257, 1087, and 961.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on April 15, 1994, at 1:00 p.m., was the following resolution: LR 293CA.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

PRESIDENT ROBAK PRESIDING

UNANIMOUS CONSENT - Member Excused

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1210. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 11-201, 28-407, 43-129, 43-146.03, 71-103, 71-104, 71-105, 71-106, 71-111, 71-139, 71-145, 71-149, 71-151, 71-152, 71-156, 71-157, 71-161.04, 71-161.05, 71-161.06, 71-161.10, 71-161.14, 71-161.15, 71-161.17, 71-163, 71-164, 71-166, 71-170, 71-172, 71-1,132.14, 71-1,132.16, 71-1,132.49, 71-1,208, 71-1,210, 71-1,220, 71-1,234, 71-3,173, 71-2024, 71-2049, 71-2065, 71-2074 to 71-2076, 71-5804, 71-6038, 71-6039, 71-6041, 72-1237.01, and 83-1052, Reissue Revised Statutes of Nebraska, 1943, sections 28-405, 28-409, 44-2851, 71-108, 71-147.02, 71-150, 71-154, 71-155, 71-161.02, 71-161.07, 71-161.09, 71-168, 71-171.01, 71-171.02, 71-1,103, 71-1,104, 71-1,132.29, 71-1,209, 71-507, 71-3710, 71-5101, 71-5109, 71-5113, 71-5115, 71-5119, 71-5120, 71-5124, 71-5125, 71-5130, 71-5132, 71-5134, 71-5135, 71-5137, 71-5139, 71-5140, 71-5141, 71-5145, 71-5151, 71-5155, 71-5165, 71-6801, 71-7301, 71-7304, 71-7308, 71-7317, 81-604.02, 83-1010, and 83-1040, Revised Statutes Supplement, 1992, sections 27-504, 71-101, 71-107, 71-110, 71-114, 71-116, 71-118, 71-131, 71-139.02, 71-147, 71-148, 71-162, 71-1,142,

71-1,147.34, 71-1,305, 71-1,307, 71-1,310, 71-1,311, 71-1,312, 71-1,314, 71-1,319, 71-1,320, 71-1,321, 71-1,325, 71-1,326, 71-1,328, 71-1,329, 71-1,330, 71-1,335, 71-2017.01, 71-2023, 71-2073, 71-5102, 71-5810, and 71-5831, Revised Statutes Supplement, 1993, and section 115, Legislative Bill 1223, Ninety-third Legislature, Second Session, 1994; to define and redefine terms; to change provisions relating to controlled substances; to change provisions relating to disciplinary actions involving health professionals and hospitals, references to registration of health professionals, examinations in medicine and surgery, nonrenewal of licenses, certificates, and registrations, fees for licenses to practice nursing, training and evaluation of nursing assistants, nursing home regulations, and licensing of mental health practitioners; to change and provide for penalties; to change and eliminate an operative date for the Clinical Laboratories Certification Act; to authorize the Department of Health to perform survey and certification functions; to require hospitals to make available additional information; to change provisions relating to cardiopulmonary resuscitation certification for emergency medical service providers as prescribed; to provide duties for the Division of Emergency Medical Services of the Department of Health; to provide for renewal of first responder service certification; to change, transfer, and eliminate provisions relating to the licensure of psychologists; to provide exemptions; to provide confidentiality requirements, immunity from liability, a duty to warn, and continuing education requirements; to change provisions relating to ambulatory surgical facilities and to certificate of need; to adopt the Alzheimer's Special Care Disclosure Act, the Environmental Lead Hazard Control Act, and the Emergency Box Drug Act; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections, and also sections 44-513.01, 71-1,206, 71-1,211 to 71-1,214, 71-1,218, 71-1,219, and 71-1,221 to 71-1,226, Reissue Revised Statutes of Nebraska, 1943, section 71-1,207, Revised Statutes Supplement, 1993, and Laws 1990, LB 551, section 32, as amended by Laws 1992, LB 1019, section 127, and Laws 1993, LB 536, section 124; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Ashford	Coordsen	Haberman	Landis	Preister
Bernard-Stevens	Crosby	Hall	Lindsay	Rasmussen
Beutler	Cudaback	Hartnett	Lynch	Robinson
Bohlke	Day	Hillman	Matzke	Schellpeper
Bromm	Dierks	Hudkins	McKenzie	Schimek
Byars	Elmer	Janssen	Monen	Schmitt
Chambers	Engel	Jones	Pedersen	Vrtiska
	Fisher	Kristensen	Pirsch	Warner

Wehrbein Wickersham Will Witek Withem
Wesely

Voting in the negative, 0.

Present and not voting, 1:

Moore

Excused and not voting, 3:

Abboud Avery Robak

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1210A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1210, Ninety-third Legislature, Second Session, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Ashford	Crosby	Hillman	McKenzie	Vrtiska
Bernard-Stevens	Cudaback	Hudkins	Pedersen	Warner
Beutler	Day	Janssen	Pirsch	Wehrbein
Bohlke	Dierks	Jones	Preister	Wesely
Bromm	Elmer	Kristensen	Rasmussen	Wickersham
Byars	Engel	Landis	Robinson	Will
Chambers	Fisher	Lindsay	Schellpeper	Witek
Coordsen	Hall	Lynch	Schimek	Withem
	Hartnett	Matzke	Schmitt	

Voting in the negative, 1:

Avery

Present and not voting, 3:

Haberman Monen Moore

Excused and not voting, 2:

Abboud Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 988 to Select File

Mr. Bernard-Stevens moved to return LB 988 to Select File for the following specific amendment:
FA587
Strike the enacting clause.

Mr. Bernard-Stevens withdrew his motion to return.

UNANIMOUS CONSENT - Member Excused

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 988. With Emergency.

A BILL FOR AN ACT relating to youth; to amend sections 28-1201, 43-252, 43-258, 43-299, 43-2,109, 81-1826, and 83-364, Reissue Revised Statutes of Nebraska, 1943, sections 28-101, 43-286, 43-287, 43-2403, 43-2406, 71-901, and 83-911.01, Revised Statutes Supplement, 1992, and sections 28-1501, 29-2204, 43-3001, 83-465, 83-467, 83-469, 83-470, 83-472, 83-473, 83-487, 83-4,101, 83-4,104, 83-905, and 83-922, Revised Statutes Supplement, 1993; to define terms; to prohibit transfer and possession and provide for the confiscation and destruction of certain firearms involving juveniles and schools as prescribed; to provide penalties; to create the Office of Juvenile Services; to state intent; to provide powers and duties; to authorize court participation and transfer of certain juveniles; to eliminate the Division of Juvenile Services of the Department of Correctional Services and the Youth Services Planning Commission; to rename the youth development centers to the youth rehabilitation and treatment centers; to eliminate provisions relating to establishment of and placement in regimented inmate discipline units; to provide duties for the Department of Correctional Services, the Nebraska Commission on Law Enforcement and Criminal Justice, and the Department of Labor; to harmonize provisions; to provide a termination date for sections relating to the Youth Diagnostic and Rehabilitation Center; to provide severability; to repeal the original sections, and also section 83-929, Reissue Revised Statutes of Nebraska, 1943, sections 43-2801 to 43-2804, Revised Statutes Supplement, 1992, and sections 83-4,140,

83-4,141, 83-925 to 83-928, and 83-930, Revised Statutes Supplement, 1993; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Crosby	Hartnett	McKenzie	Schimek
Ashford	Cudaback	Hillman	Monen	Schmitt
Avery	Day	Janssen	Pedersen	Vrtiska
Bernard-Stevens	Dierks	Jones	Pirsch	Warner
Beutler	Elmer	Kristensen	Preister	Wesely
Bohlke	Engel	Landis	Rasmussen	Wickersham
Bromm	Fisher	Lindsay	Robak	Will
Byars	Haberman	Lynch	Robinson	Witek
Coordsen	Hall	Matzke	Schellpeper	Withem

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Moore Wehrbein

Excused and not voting, 1:

Hudkins

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 988A to Select File

Mr. Pedersen moved to return LB 988A to Select File for the following specific amendment:
AM4589

(Amendments to Second Final Reading copy)

1. On page 2, strike line 13 and insert "GENERAL FUND 122,682,738 -0-"; and strike line 17 and insert "PROGRAM TOTAL 129,687,196 -0-".

SPEAKER WITHEM PRESIDING

Mr. Pedersen withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 988A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1993, LB 541, section 138; to appropriate funds to aid in carrying out the provisions of Legislative Bill 988, Ninety-third Legislature, Second Session, 1994; to change and eliminate appropriations; to provide when certain provisions will be operative; to harmonize provisions; to repeal the original section, and also Laws 1993, LB 541, section 138, as amended by section 2, Legislative Bill 677A, Ninety-third Legislature, Second Session, 1994, Laws 1993, LB 541, section 138, as amended by section 120, Legislative Bill 991, Ninety-third Legislature, Second Session, 1994, and Laws 1993, LB 627A, section 1, as amended by section 174, Legislative Bill 991, Ninety-third Legislature, Second Session, 1994; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Coordsen	Hartnett	Monen	Schmitt
Ashford	Crosby	Hillman	Moore	Vrtiska
Avery	Cudaback	Janssen	Pirsch	Warner
Bernard-Stevens	Day	Jones	Preister	Wehrbein
Beutler	Dierks	Kristensen	Rasmussen	Wesely
Bohlke	Elmer	Landis	Robak	Wickersham
Bromm	Engel	Lindsay	Robinson	Will
Byars	Fisher	Matzke	Schellpeper	Witek
	Hall	McKenzie	Schimek	Withem

Voting in the negative, 3:

Chambers	Lynch	Pedersen

Present and not voting, 1:

Haberman

Excused and not voting, 1:

Hudkins

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 741 to Select File

Mr. Wesely moved to return LB 741 to Select File for the following specific amendment:
FA588
Strike the enacting clause.

Mr. Wesely withdrew his motion to return.

UNANIMOUS CONSENT - Pass Over LB 741

Messrs. Wesely and Hall asked unanimous consent to pass over LB 741. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 872. With Emergency.

A BILL FOR AN ACT relating to government; to amend sections 49-1482, 49-1484, 49-1486, and 75-104, Reissue Revised Statutes of Nebraska, 1943, sections 49-1401, 49-1483, 49-1483.02, 49-1485, 49-1488, 49-1488.01, 49-14,123, and 49-14,140, Revised Statutes Supplement, 1992, section 75-128, Revised Statutes Supplement, 1993, and Laws 1993, LB 541, sections 8 and 229; to provide and change fees for registration of lobbyists; to provide and change reporting requirements for lobbyists and principals under the Nebraska Political Accountability and Disclosure Act; to change the registration period; to change duties of the Clerk of the Legislature; to provide for and change the distribution of certain funds; to create a fund; to change provisions relating to certain expenses and hearings of the Public Service Commission as prescribed; to harmonize provisions; to appropriate funds to aid in carrying out the provisions of Legislative Bill 872, Ninety-third Legislature, Second Session, 1994; to reduce appropriations; to state intent; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud Avery

Bernard-Stevens	Cudaback	Janssen	Moore	Schimek
Beutler	Day	Jones	Pedersen	Schmitt
Bohlke	Dierks	Landis	Pirsch	Vrtiska
Bromm	Elmer	Lindsay	Preister	Wehrbein
Byars	Fisher	Lynch	Rasmussen	Wesely
Coordsen	Haberman	Matzke	Robak	Wickersham
Crosby	Hartnett	McKenzie	Robinson	Will
	Hillman	Monen	Schellpeper	Withem

Voting in the negative, 2:

Engel Witek

Present and not voting, 5:

Ashford Chambers Hall Kristensen Warner

Excused and not voting, 1:

Hudkins

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1088.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-101, 37-102, and 37-215, Revised Statutes Supplement, 1993; to define and redefine terms; to change provisions relating to hunting permits; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Crosby	Hartnett	McKenzie	Vrtiska
Ashford	Cudaback	Hillman	Monen	Warner
Avery	Day	Janssen	Pedersen	Wehrbein
Bernard-Stevens	Dierks	Jones	Pirsch	Wesely
Beutler	Elmer	Kristensen	Robak	Wickersham
Bromm	Engel	Lindsay	Robinson	Will
Byars	Fisher	Lynch	Schellpeper	Witek
Coordsen	Haberman	Matzke	Schmitt	Withem
	Hall			

Voting in the negative, 5:

Chambers	Landis	Preister	Rasmussen	Schimek

Present and not voting, 2:

Bohlke	Moore

Excused and not voting, 1:

Hudkins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1243. With Emergency.

A BILL FOR AN ACT relating to state government; to amend sections 49-1482, 49-1484, 49-1486, and 49-14,101, Reissue Revised Statutes of Nebraska, 1943, sections 49-1401, 49-1483, 49-1483.02, 49-1485, 49-1488, 49-1488.01, 49-14,123, and 49-14,140, Revised Statutes Supplement, 1992, and section 50-401.01, Revised Statutes Supplement, 1993; to authorize the Executive Board of the Legislative Council to allow members of the Legislature to privately install and use certain communication equipment as prescribed; to provide and change fees for registration of lobbyists; to provide and change reporting requirements for lobbyists and principals under the Nebraska Political Accountability and Disclosure Act; to change the registration period; to change duties of the Clerk of the Legislature; to provide for and change the distribution of certain funds; to create a fund; to provide additional powers for the Executive Board with respect to actuarial services; to provide for distribution of legislative information by way of electronic communication; to provide for a committee related to such distribution of information; to require a plan; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Bromm	Dierks	Janssen	Monen
Ashford	Byars	Elmer	Jones	Moore
Avery	Chambers	Engel	Kristensen	Pedersen
Bernard-Stevens	Coordsen	Haberman	Landis	Pirsch
	Crosby	Hall	Lindsay	Preister
Beutler	Cudaback	Hartnett	Lynch	Rasmussen
Bohlke	Day	Hillman	McKenzie	Robak

Robinson	Schmitt	Wehrbein	Wickersham	Witek
Schellpeper	Vrtiska	Wesely	Will	Withem
Schimek	Warner			

Voting in the negative, 0.

Present and not voting, 2:

Fisher Matzke

Excused and not voting, 1:

Hudkins

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 1243A to Select File

Mr. Preister moved to return LB 1243A to Select File for the following specific amendment:
FA589
Strike the enacting clause.

Mr. Preister withdrew his motion to return.

Mr. Hall moved to return LB 1243A to Select File for the following specific amendment:
FA590
Strike the enacting clause.

The Hall motion to return prevailed with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1243A. The Hall specific amendment, FA590, found in this day's Journal, was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

LB 1243A stands indefinitely postponed.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 903. With Emergency.

A BILL FOR AN ACT relating to courts; to amend sections 30-2601, 30-2818, 43-2,119, and 76-720, Reissue Revised Statutes of Nebraska, 1943, sections 24-201.01 and 24-803, Revised Statutes Supplement, 1992, and sections 24-301.02, 24-729, 25-2730, 30-2201, 30-2220, 30-2619, 30-2620, 30-2625 to 30-2628, 30-2630.01, 30-2633, 30-2634, 30-2637, and 30-2639, Revised Statutes Supplement, 1993; to change judges' salaries; to increase the number of judges in certain district court judicial districts and separate juvenile courts; to change provisions relating to assignment of retired judges and judicial nominating commissions; to change provisions relating to appointment, powers, and duties of guardians and conservators and notice and procedures for guardianship and conservatorship proceedings; to change certain bond requirements; to state intent; to redefine a term; to change provisions relating to temporary guardianship and conservatorship proceedings, expedited hearings, the authority of the court pursuant to the creation of a will by a protected person or the creation or alteration of his or her estate plan, proceedings against trustees, and court costs in condemnation proceedings; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Abboud	Byars	Hartnett	McKenzie	Robak
Ashford	Chambers	Hillman	Monen	Schimek
Avery	Coordsen	Jones	Moore	Vrtiska
Bernard-Stevens	Crosby	Kristensen	Pedersen	Warner
Beutler	Day	Landis	Pirsch	Wehrbein
Bohlke	Dierks	Lindsay	Preister	Will
Bromm	Elmer	Matzke	Rasmussen	Withem
	Hall			

Voting in the negative, 9:

Cudaback	Haberman	Robinson	Schmitt	Witek
Fisher	Janssen	Schellpeper	Wesely	

Present and not voting, 3:

Engel	Lynch	Wickersham

Excused and not voting, 1:

Hudkins

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 903A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 903, Ninety-third Legislature, Second Session, 1994.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud	Byars	Hall	McKenzie	Robak
Ashford	Chambers	Hartnett	Monen	Schimek
Avery	Coordsen	Hillman	Moore	Vrtiska
Bernard-Stevens	Crosby	Jones	Pedersen	Warner
	Day	Kristensen	Pirsch	Wehrbein
Beutler	Dierks	Landis	Preister	Will
Bohlke	Elmer	Lindsay	Rasmussen	Withem
Bromm	Engel	Matzke		

Voting in the negative, 8:

Fisher	Janssen	Schellpeper	Wesely	Witek
Haberman	Robinson	Schmitt		

Present and not voting, 2:

Cudaback Wickersham

Excused and not voting, 2:

Hudkins Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 1210, 1210A, 988, and 988A.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 140.

A BILL FOR AN ACT relating to railroads; to amend section 74-915, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to health and safety rules and regulations; to provide a termination date; and to repeal the original section.

Mr. Bernard-Stevens requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 20:

Abboud	Byars	Landis	Moore	Wesely
Ashford	Chambers	Lindsay	Robak	Wickersham
Bernard-Stevens	Elmer	McKenzie	Robinson	Will
Beutler	Haberman	Monen	Schimek	Withem

Voting in the negative, 24:

Avery	Day	Hillman	Pedersen	Vrtiska
Bromm	Dierks	Janssen	Pirsch	Warner
Coordsen	Fisher	Jones	Rasmussen	Wehrbein
Crosby	Hall	Kristensen	Schellpeper	Witek
Cudaback	Hartnett	Matzke	Schmitt	

Present and not voting, 3:

Bohlke	Engel	Preister

Excused and not voting, 2:

Hudkins	Lynch

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

UNANIMOUS CONSENT - Members Excused

Messrs. Moore, Robinson, Wehrbein, and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 872, 1088, 1243, 903, and 903A.

MOTION - Suspend Rules

Mr. Kristensen moved to suspend the rules, Rule 4, Section 2 to permit the consideration of LR 15CA.

The Kristensen motion to suspend the rules prevailed with 34 ayes, 7 nays, 6 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 15CA.

A resolution to propose amending the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1994 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to the Constitution of Nebraska to amend Article III, section 14:

III-14 "Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member. The ~~, and the~~ bill and all amendments thereto shall be printed and presented ~~read at large~~ before the vote is taken upon its final passage and shall be read at large unless three-fifths of all the members elected to the Legislature vote not to read the bill and all amendments at large. No ~~such~~ vote upon the final passage of any bill shall be taken~~, however,~~ until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and

the ~~same~~ subject shall be clearly expressed in the title. ~~And no~~ No law shall be amended unless the new act shall contain the section or sections as amended and the section or sections so amended shall be repealed. The Lieutenant Governor, or the Speaker if acting as presiding officer, shall sign, in the presence of the Legislature while the same is in session and capable of transacting business, all bills and resolutions passed by the Legislature.".

Sec. 2. That the proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize the Legislature to vote upon final passage of a bill when the bill and all amendments thereto are printed, presented, and read at large unless reading at large is waived by three-fifths vote of the members elected to the Legislature.

For

Against".

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 30:

Abboud	Cudaback	Haberman	McKenzie	Schimek
Avery	Day	Hillman	Monen	Schmitt
Beutler	Dierks	Janssen	Pedersen	Vrtiska
Bohlke	Elmer	Jones	Rasmussen	Wehrbein
Bromm	Engel	Kristensen	Robinson	Will
Byars	Fisher	Landis	Schellpeper	Withem

Voting in the negative, 13:

Ashford	Chambers	Hall	Moore	Wickersham
Bernard-Stevens	Coordsen	Hartnett	Pirsch	Witek
	Crosby	Lindsay	Warner	

Present and not voting, 3:

Matzke	Preister	Wesely

Excused and not voting, 3:

Hudkins	Lynch	Robak

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

UNANIMOUS CONSENT - Member Excused

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: 15CA.

MOTION - Override Line-Item Veto on LB 991

Mr. Lindsay moved to override the Governor's line-item veto on LB 991 of funds appropriated to the Supreme Court, for Program 52 for FY 1994-95 and FY 1995-96.

MRS. CROSBY PRESIDING

PRESIDENT ROBAK PRESIDING

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?"

Mr. Dierks moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Lindsay requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 28:

Abboud	Elmer	Janssen	Pirsch	Vrtiska
Bohlke	Engel	Jones	Robak	Wehrbein
Bromm	Fisher	Landis	Robinson	Wesely
Byars	Haberman	Matzke	Schellpeper	Wickersham
Cudaback	Hillman	Monen	Schmitt	Witek
Dierks	Hudkins	Moore		

Voting in the negative, 16:

Ashford	Beutler	Day	Kristensen	Pedersen
Avery	Chambers	Hall	Lindsay	Warner
Bernard-Stevens	Coordsen	Hartnett	Lynch	Will
	Crosby			

Present and not voting, 5:

McKenzie	Preister	Rasmussen	Schimek	Withem

The motion to cease debate prevailed with 28 ayes, 16 nays, and 5 present and not voting.

The Chair declared the call raised.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 22:

Abboud	Day	Hudkins	Matzke	Preister
Beutler	Elmer	Landis	Monen	Robak
Bromm	Haberman	Lindsay	Pedersen	Will
Chambers	Hall	Lynch	Pirsch	Withem
Crosby	Hartnett			

Voting in the negative, 27:

Ashford	Coordsen	Janssen	Robinson	Warner
Avery	Cudaback	Jones	Schellpeper	Wehrbein
Bernard-Stevens	Dierks	Kristensen	Schimek	Wesely
Bohlke	Engel	McKenzie	Schmitt	Wickersham
Byars	Fisher	Moore	Vrtiska	Witek
	Hillman	Rasmussen		

Not voting, 0.

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

UNANIMOUS CONSENT - Member Excused

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Override Line-Item Veto on LB 991

Mr. Beutler moved to override a portion of Governor Nelson's line-item veto of LB 991 as follows:

Sec. 11: AGENCY NO. 33 - GAME AND PARKS COMMISSION
Program No. 902 - Trail Development Assistance

	FY1994-95
CASH FUND	100,000
PROGRAM TOTAL	100,000

Sec. 176. FUND TRANSFERS.
Transfers for FY1994-95 shall include: From the General Fund (1000) to the Trail Development Assistance Fund (2339): $100,000.

SPEAKER WITHEM PRESIDING

Mr. Wehrbein and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Fisher moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 11:

Beutler	Hartnett	Lindsay	Monen	Wesely
Crosby	Landis	Lynch	Preister	Withem
Hall				

Voting in the negative, 28:

Abboud	Cudaback	Hillman	Pirsch	Vrtiska
Avery	Day	Hudkins	Rasmussen	Warner
Bohlke	Dierks	Janssen	Robak	Wehrbein
Bromm	Elmer	Jones	Schellpeper	Wickersham
Byars	Engel	Kristensen	Schmitt	Witek
Coordsen	Fisher	Moore		

Present and not voting, 8:

Ashford	Bernard-Stevens	Haberman	Pedersen	Schimek
		Matzke	Robinson	Will

Excused and not voting, 2:

Chambers McKenzie

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

MOTION - Override Line-Item Veto on LB 991

Ms. Day moved to override the Governor's line-item veto on LB 991 of $600,000 for the Children's Mental Health Roadmap.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Ms. Day withdrew her motion to override the Governor's line-item veto.

MOTION - Override Line-Item Veto on LB 991

Mr. Bromm moved to override the Governor's line-item veto on LB 991 of the textbook loan program for $50,000.

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Hall moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Mr. Hall requested a roll call vote on the Bromm motion to override the Governor's line-item veto.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 27:

Abboud	Day	Lindsay	Pirsch	Schmitt
Avery	Dierks	Lynch	Preister	Vrtiska
Beutler	Fisher	McKenzie	Rasmussen	Wesely
Bohlke	Hall	Monen	Robak	Will
Bromm	Hartnett	Pedersen	Robinson	Withem
Crosby	Landis			

Voting in the negative, 18:

Ashford	Coordsen	Hillman	Matzke	Warner
Bernard-Stevens	Cudaback	Hudkins	Moore	Wehrbein
Byars	Elmer	Janssen	Schellpeper	Wickersham
	Haberman	Jones	Schimek	

Present and not voting, 3:

Engel	Kristensen	Witek

Excused and not voting, 1:

Chambers

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

MOTION - Return LB 779 to Select File

Mr. Moore renewed his pending motion, found in the Journal on page 2016, to return LB 779 to Select File for his specific amendment, FA581.

Mr. Moore withdrew his motion to return.

Mr. Warner moved to return LB 779 to Select File for the following specific amendment:
FA591
Strike the enacting clause.

Mr. Warner withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 779.

A BILL FOR AN ACT relating to probation; to amend section 29-2257, Reissue Revised Statutes of Nebraska, 1943; to provide requirements for compensation for probation officers; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 19:

Abboud	Day	Hudkins	Monen	Robak
Ashford	Haberman	Landis	Pedersen	Will
Beutler	Hall	Lindsay	Preister	Withem
Crosby	Hartnett	Matzke	Rasmussen	

Voting in the negative, 27:

Avery	Bohlke	Coordsen	Elmer	Hillman
Bernard-Stevens	Bromm	Cudaback	Engel	Janssen
	Byars	Dierks	Fisher	Jones

Kristensen	Pirsch	Schimek	Warner	Wickersham
McKenzie	Robinson	Schmitt	Wehrbein	Witek
Moore	Schellpeper	Vrtiska		

Present and not voting, 2:

Lynch Wesely

Excused and not voting, 1:

Chambers

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

RESOLUTION

LEGISLATIVE RESOLUTION 502. Read. Considered.

Mr. Warner offered the following amendment:
FA592
In line 1 strike "have a right to" and insert "should have a reasonable expectation of"

The Warner amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

LR 502, as amended, was adopted with 35 ayes, 0 nays, and 14 not voting.

EXPLANATION OF VOTE

Had I been present, I would have voted "yes" on the Final Passage of LB 1087.

(Signed) LaVon K. Crosby

COMMUNICATION

April 15, 1994

The Honorable Allen Beermann
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Nelson on LB 991, I am delivering a bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

EXECUTIVE BOARD REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolution 508.

508 Interim study of the role of county government in providing human services to the people of Nebraska
Health and Human Services

(Signed) Timothy J. Hall, Chairperson
Executive Board

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on April 15, 1994, at 4:40 p.m., was the following resolution: LR 15CA.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 15, 1994, at 3:55 p.m., were the following bills: 988, 988A, 1210, and 1210A.

Presented to the Governor on April 15, 1994, at 4:30 p.m., were the following bills: 872, 1088, 1243, 903, and 903A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MESSAGE FROM THE GOVERNOR

April 15, 1994

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1222e and 1222A were received in my office on April 13, 1994; Engrossed Legislative Bills 76 and 76A were received on April 14, 1994; Engrossed Legislative Bills 988e, 988Ae, 1223e, and 1223Ae were received on April 15, 1994.

These bills were signed by me on April 15, 1994, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 15, 1994. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Conway, Gerald E. - South Sioux City	ATOKAD Racing Association
Monaghan, Judy A. - Omaha	Scientific Games Inc.
Peffer, Jr., Walter - Omaha	City of Omaha Government

MOTION - Notify Governor

Mr. Byars moved that a committee of five be appointed to notify the Governor that the Ninety-Third Legislature, Second Session of the Nebraska Legislature, is about to complete its work, and to return with any message the Governor may have for the Legislature.

The Byars motion prevailed with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

The Chair appointed Messrs. Avery, Janssen, Preister, Mmes. Hudkins, and Witek to serve on said Committee.

The Committee returned and escorted Governor Ben Nelson to the rostrum where he delivered a message to the members.

The Committee escorted the Governor from the Chamber.

MOTION - Journal, Session Laws, and Indexes

Mr. Ashford moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell, and that he be directed to send to each member of the Legislature a copy of the loose-leaf session laws and of the permanent Journal and Session Laws.

The motion prevailed.

MOTION - Disposition of Bills

Mr. Moore moved that all bills not otherwise disposed of, excluding bills on Final Reading and vetoed or line-item vetoed bills on this date, be indefinitely postponed. Further, that the chairpersons of all standing committees file with the Clerk of the Legislature all standing committee records so that a proper record may be made of the final disposition of all bills.

The motion prevailed.

VISITORS

Visitors to the Chamber were 32 first through eighth grade students and teacher from Our Redeemer Lutheran School, Staplehurst; 65 fourth grade students and teachers from Trinity Christian School, Omaha; John and Patricia Perry from Kimball; 30 fifth grade students and teacher from Creighton Community School; Doralene and Gordon Weed; eight seventh and eighth grade students and sponsor from Rose Community School; and Senator Hudkins' husband, Larry.

The Doctor of the Day was Clarence Davis from Osceola.

MOTION - Adjourn Sine Die

Mr. Haberman moved that the Journal for the Sixtieth Day, as prepared by the Clerk of the Legislature, be approved and that the Ninety-Third Legislature, Second Session of the Nebraska Legislature, having finished all business before it, now at 7:22 p.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

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RECEIVED AFTER ADJOURNMENT

LEGISLATIVE JOURNAL

RECEIVED AFTER ADJOURNMENT

LEGISLATIVE JOURNAL

NINETY-THIRD LEGISLATURE
SECOND SESSION

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR 502.

(Signed) Janis M. McKenzie, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 502. Introduced by Wesely, 26.

WHEREAS, all Nebraskans should have a reasonable expectation of quality health care at a cost they or society can afford. Government, health care providers, insurers, businesses, and consumers must work together to accomplish this goal. A partnership between government and the private sector may ultimately provide the most favorable solution to developing quality health care services at a cost that is affordable to all of our citizens; and

WHEREAS, the following principles should guide state policy for health care:

1. All Nebraskans have a right to geographical, cultural, and financial access to a basic package of health care services. Defining basic health care services should be accomplished by society with the assistance of experts in the field.

2. Mechanisms should be developed to assure that all Nebraskans receive quality health care services.

3. The financial, political, and social incentives driving our health care system must be adjusted to assure that they promote cost-effective behavior for both consumers and providers. It is important to develop innovative approaches and incentives to encourage affordable and efficient health care services.

Costs should also be controlled by enhancing administrative efficiency (e.g., reducing paperwork, fraud, abuse, and unnecessary regulations) and preventing the unnecessary duplication of services, equipment, and facilities. Improved planning and data collection are needed to better assess health care needs and costs.

4. Promoting access to basic health is a shared responsibility of individuals, society, providers, payers, and government. Those health promotion activities, clinical preventive services, and community-based preventive programs of proven benefit should be encouraged.

a. Individuals must be responsible for leading healthy lifestyles. To protect individual dignity, everyone who can, should pay for some of the cost of his or her own care.

b. Society should promote improved consumer education so that Nebraskans can become more proactively involved in both prevention and wellness-focused lifestyles, as well as become better-informed health care purchasers. Society should develop mechanisms to understand the ethical, economical, and rationing issues necessary to determine how medical services and procedures will be allocated.

c. Professional and institutional providers, both individually and collectively, must deliver high-quality and humane care to all Nebraskans. They should develop practice guidelines and outcome data that encourage the appropriate use of health care resources. Providers must develop practice guidelines which encourage necessary and preventive services and eliminate unnecessary services. Providers must assume a key role in the development of a comprehensive delivery system which supports access, quality, and cost containment. Charges for services rendered should be fair and reasonable.

d. Payers, working with government, have responsibility for designing systems that provide coverage for a basic package of health care services for all Nebraskans, regardless of condition of health, state of employment, or ability to pay. They should create mechanisms to pay for care with a minimum of administrative cost, uncertainty, confusion, bureaucracy, and paperwork.

e. Working with providers, consumers, and payers, government has a responsibility for developing incentives and creating an affordable system of universal access to basic health care for all Nebraskans. Government also has special responsibilities to provide public health services, educate the public on health matters, and address the social conditions that cause illness and drive up health care costs such as poverty, malnutrition, inadequate housing, and violence.

f. Nebraska institutions of higher education, public and independent, that conduct health professions education programs should strive to meet the needs of our citizens for health care professions. Those institutions that engage in biomedical and health care research are also responsible for contributing to improvements in quality and delivery of health care in Nebraska.

5. Individuals and families should have a basic health plan that is portable and affordable and the freedom to choose additional health insurance based upon their financial capability. A continuity of care concept by linking patients with a specific health care practitioner (physician, physician assistant, or nurse practitioner, as applicable) who assists in the coordination of the patient's care should be promoted.

6. Delivery and financing arrangements must promote development and dissemination for more effective and efficient methods for

treatment and prevention. Methods to deliver health care services must be responsive to Nebraska's diversity and build on the strengths of the current Nebraska health care system. There must be local involvement in the planning, development, and design of the health care delivery system in cooperation with state and federal efforts. This process must include representatives from all major sectors of the community, including both public and private entities.

7. Health care financing must be reorganized to prevent cost shifting. Health care services should be financed through a public and private pluralistic system. The system should provide incentives to consumers to use appropriate health care services and to providers to assure value for the price of services rendered.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-THIRD LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature affirms the principles set forth in this resolution as sound and will use the principles as a guide for health care policy in Nebraska.

2. That the Legislature commends the work of the Blue Ribbon Coalition and the Interagency Health Care Advisory Committee for their work in developing the principles and for their time and efforts helping to address health care issues and the Legislature supports the coalition's and committee's continued work in the development of health care coordination and policy for the future.

MESSAGES FROM THE GOVERNOR

April 15, 1994

Madam President, Mister Speaker
and Members of the Legislature
State Capitol Bldg.
Lincoln, NE 68509

Dear Madam President and Senators:

With this letter I am returning LB 974A with line item reductions. I have been committed to stopping the unnecessary expansion of state government whenever possible. The PSL which is included in LB 974 for the Secretary of State, UCC Division calls for a file clerk to be added due to the increase in workload with the passage of LB 974. It is my desire not to increase the division at this time. Should the workload become so burdensome that the SOS pool at the DAS Personnel division cannot help and the services of the Division are not being provided in a timely manner, the Secretary of State may request the staffing in the budget process.

Your help in making sure government does not expand unnecessarily in the future is appreciated.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:tre

April 18, 1994

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 915e, 1160e, and 1160Ae were received in my office on April 12, 1994; Engrossed Legislative Bills 358e, 974, 1071e, 1071Ae, 1188, 630, 967, 408, 882, 981e, 981Ae, 1031e, 1048, 1049, 1236, 480, 1244, 906, 1044, 1292, and 1015 were received on April 13, 1994.

These bills were signed by me on April 18, 1994, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 18, 1994

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 446, 1035e, and 1313 were received in my office on April 13, 1994.

These bills were signed by me on April 18, 1994, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 18, 1994

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 695 was received in my office on April 12, 1994.

This bill was signed by me on April 18, 1994, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 18, 1994

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

With this letter I am returning LB 695A and a line-item reduction. LB 695A added $250,000 of general funds to the permanent budget of the University of Nebraska Forest Service for FY 1994/95 and future years.

The purpose of these funds is for a grant program for the removal and replacement of trees lost to severe weather and diseases on public lands. While this is a laudatory purpose, we simply cannot afford such an ongoing commitment within state budget constraints at this time. In addition, many other financing sources are available for this general purpose. Such sources range from FEMA funding, to Clark-McNeery funds in the Department of Agriculture, to programs administered by several NRDs, to name just a few.

With my line-item reduction, I have reduced the appropriation by $125,000 in FY 1994/95 which allows $125,000 to remain for this purpose on a one-time basis. It is the intent that this remaining $125,000 not become part of the University's budget base on which the FY 1995/97 biennial budget request is built.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:sf

April 18, 1994

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

I am returning LB 446A without by signature and with my objection.

LB 446 sets up new procedures for agencies in the promulgation of rules and regulations and dispute resolution. It would be premature to appropriate funds to administer the act until existing resources are reallocated. Should agencies experience additional costs they could be incorporated into their budget requests as we prepare for the next biennium.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:sf

April 18, 1994

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

I am returning LB 1035A with line-item reductions. The General Fund appropriation is reduced $157,089 for FY 94/95 and eliminated for FY 95/96. The Personal Service Limitation is also eliminated for both fiscal years.

LB 1035 will have an unknown impact on DSS' Legal Department to handle hearings for those people inappropriately placed on the Child Abuse and Neglect Registry. It would be inappropriate to hire the suggested number of staff until staffing requirements are known. There is $157,089 remaining that will allow the Department of Social Services to contract for administration of nearly 700 cases.

Sincerely,

(Signed) E. Benjamin Nelson
Governor

EBN:sf

April 18, 1994

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

I am returning LB 1313A, which provides $500 to carry out the provisions of LB 1313, without my signature and with my objections. The appropriation in LB 1313A would be used by the Liquor Control Commission to upgrade their computer program.

I believe that the Commission can absorb the cost of doing this within their current agency budget.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 19, 1994

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1136, 1290e, 1161, 1068e, and 1165 were received in my office on April 13, 1994; Engrossed Legislative Bills 513, 513A, 885Ae, 901e, 1241e, 1354, 1175, 886, and 886A were received on April 14, 1994.

These bills were signed by me on April 19, 1994, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 19, 1994

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

I am returning LB 1136A with line-item reductions.

The remaining $2,107,000 appropriation will provide $2,000,000 to reduce the waiting list for people with developmental disabilities and begin to work toward the goal of rate equity between the providers. This new money will serve approximately 80-90 new people. In addition, we have left $107,000 general funds to provide for service coordination and to support the newly created Advisory Committee on Developmental Disabilities.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 19, 1994

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 907 and 1310 were received in my office on April 13, 1994; Engrossed Legislative Bills 694e, 694A, 1118, and 1061e received on April 14, 1994; Engrossed Legislative Bills 1364e, 994, 1275, 1275A, 188, 833e, 1257e, 1087e, 961, 872e, 1088, and 1243e received on April 15, 1994.

These bills were signed by me on April 19, 1994, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 19, 1994

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

Today I delivered LB 833A to the Secretary of State with a line item reduction.

LB 833 changes laws governing the Nebraska Retirement System Plans to comply with Section 415 of the Internal Revenue Code for public plans. Under the bill the Public Employees Retirement Board must put provisions into effect to ensure that, beginning in 1996, individual members do not exceed the upper limits imposed by Section 415 on the combined amount of retirement payments and other tax-deferred and tax-exempt benefits.

LB 833A, the companion appropriations bill, appropriates cash funds to support the development of the required monitoring mechanism and to assist in notifying members of the ramifications of the Section 415 limits for their retirement income. The bill also proposed the addition of a permanent state employee, but I have made a line item reduction to eliminate that personal services authorization (PSL). It is my hope the PERB will study the need for an ongoing, full-time position more closely and will make efficient use of existing and outside resources in preparing to implement this new federal mandate. PERB should strive for efficiency as it carries out the Section 415 policy with as little inconvenience as possible to members of the Nebraska Retirement System.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

cc: Sen. Bob Wickersham,
NE Retirement Systems Committee
Jim Cashin, PERB

April 19, 1994

Madam President, Mister Speaker
and Members of the Legislature
State Capitol Bldg.
Lincoln, NE 68509

Dear Members:

Today I signed LB 902 and LB 902A and delivered it to the Secretary of State. LB 902 has many positive aspects.

LB 902 creates a system of regional boards to help with the assessment and equalization process. It provides appraisers with access to much needed real estate transfer forms. I will be studying closely the impacts

of these proposals to determine the cost of these programs and determine whether they create an undue amount of work and pressure on the budgets of subdivisions. It is important that these proposals do not grow into giants which make unrealistic mandates for local governments without having a positive impact or becoming another layer of bureaucracy.

This bill provides for an increase in funding for the homestead exemption program in the current year and makes substantial changes to the qualification process of the program for next year. It is a positive step to increase the accessibility and improve the valuation and income standards of this program. I am supportive of returning the Homestead Exemption program to a program which meets the needs of the people that qualify for it. The proposal which I had introduced to the Legislature included a study which would have caught and made changes to any proposal in the program before it had a negative impact on the persons which need this program. I am committed to making sure that this program meets the needs of the veterans, spouses and persons over 65 years of age that were intended.

I am committed to the study of this program before changes to income and valuation portions occur in 1995. Unnecessary changes in this program only serve to confuse and alienate individuals who are dependent on this program and its benefits. Although I would have liked to have seen a study such as I proposed inserted into LB 902, I will continue to work with the Legislature to study and make any necessary changes to this program before the implementation of LB 902's provisions in 1995.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 19, 1994

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

With this letter, I am returning LB 1224A with my signature and with line item reductions.

The total vetoed amount is $43,250 in FY 94/95 and $140,825 in FY 95/96. The reductions affect the Ombudsmans Office in the Legislative Council and public assistance. On Select File an amendment was adopted that allowed for public counsel. This is a current responsibility

of the Ombudsmans Office and to add additional staff at this time appears to be duplicative.

Regarding public assistance, we are confident the intensive case management efforts required by LB 1224 will be effective in moving clients off public assistance and into self sufficiency. Therefore, the appropriation for public assistance can be reduced by $100,000 in FY 95/96.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:sf

April 19, 1994

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

I am returning LB 903 and LB 903A without my signature and with my objections.

LB 903 is a bill that adds three new judges. The bill adds judges to the Lancaster County District Court, the Douglas County Juvenile Court, and Sarpy County Juvenile Court. The additional judges and court reporters would cost the State General Fund $397,128 by fiscal year 1996-97. Although I am convinced that there is a need for additional judicial resources in certain districts in Nebraska, this is simply a cost the State General Fund cannot afford to sustain at this time. I pledge to work with all interested parties to address the need for additional judicial resources in Nebraska.

The bill also contains a pay increase for judges of 3 percent in the next fiscal year. The salary increase would place an additional burden on the state general fund of $308,784 by fiscal year 1996-1997 and thereafter. My veto of this pay increase should in no way be construed as my objection to a pay increase for judges. Because of tight constraints, the state has been unable to provide salary increases for other servants of the state, including state employees and state probation officers. I pledge to revisit the issue of adequate pay for judges and other public employees in next year's budget deliberations.

The total cost of LB 903 would reach $705,912 by fiscal year 1996-97. Unfortunately, this is not a cost the State General Fund can afford to sustain at this time.

LB 903 was amended on select file to include provisions of LB 51 which is designed to establish a meaningful statute of limitations applicable to claims against trustees. The amendment provides that the annual or periodic statement will qualify as a final accounting in regards to the statute of limitations. My veto of LB 903 is in no way a reflection on the merits of this issue.

LB 903 was also amended on Select File to provide for passage of provisions of LB 1345, a bill that addresses the appointment of guardians or conservators in Nebraska. This amendment was negotiated by interested parties and appears to be an important, warranted change to current guardianship and conservatorship law. My objection to LB 903 is not based on this amendment.

LB 903 was amended on General File to provide for the passage of provisions of LB 1010, a bill introduced to improve our current system of judicial selection. My objection to LB 903 is not based on this amendment as I believe that the changes made by this provision are positive changes.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

MESSAGE FROM THE SECRETARY OF STATE

April 18, 1994

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that LB 991, with the Governor's signature and with certain line-item vetoes, along with the Governor's line-item reduction message was filed in the office of the Secretary of State on April 18, 1994 at 8:10 A.M.

Further, I hereby acknowledge receipt of your letter dated April 15, 1994, indicating that "inasmuch as the Legislature did not override the line-item vetoes by Governor Nelson on LB 991, I am filing the bill for public record in the form and amounts as prescribed by the Governor".

Finally, I hereby acknowledge that LB 991, the Governor's reduction message and your cover letter dated April 15, 1994, have all been filed in this office as a matter of public record.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State-Nebraska

AJB:lat
Enclosures

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that LB 991 passed by the Ninety Third Legislature, Second Session was signed by Governor Nelson on April 13, 1994, but with certain items having been line-item vetoed.

Further, I hereby certify that inasmuch as the Legislature did not override the line-item vetoes and inasmuch as the bill has been filed in the office of Secretary of State in the form and amounts as approved by the Governor, I hereby certify that said bill LB 991 will become effective as provided by law.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Eighteenth day of April in the year of our Lord, one thousand nine hundred and ninety-four.

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

April 18, 1994

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to advise you and to have placed in the Legislative Journal that Legislative Bill 695A was passed by the Ninety-third Legislature at its Second Session and was presented to the Governor.

I have received from Governor E. Benjamin Nelson Legislative Bill 695A with his signature but with a line-item reduction. This bill was received in the office of the Secretary of State on April 18, 1994, at 5:02 P.M.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State-Nebraska

AJB:lat

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that LB 695A passed by the Ninety Third Legislature, Second Session was signed by Governor Nelson on April 18, 1994, but with certain items having been line-item vetoed.

Further, I hereby certify that inasmuch as the Legislature did not override the line-item vetoes and inasmuch as the bill has been filed in the office of Secretary of State in the form and amounts as approved by the Governor, I hereby certify that said bill LB 695A will become effective as provided by law.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Eighteenth day of April in the year of our Lord, one thousand nine hundred and ninety-four.

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

April 18, 1994

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to advise you and to have placed in the Legislative Journal that Legislative Bill 974A was passed by the Ninety-third Legislature at its Second Session and was presented to the Governor.

I have received from Governor E. Benjamin Nelson Legislative Bill 974A with his signature but with line-item reductions. This bill was received in the office of the Secretary of State on April 18, 1994, at 2:02 P.M.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State-Nebraska

AJB:lat

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that LB 974A passed by the Ninety Third Legislature, Second Session was signed by Governor Nelson on April 18, 1994, but with certain items having been line-item vetoed.

Further, I hereby certify that inasmuch as the Legislature did not override the line-item vetoes and inasmuch as the bill has been filed in the office of Secretary of State in the form and amounts as approved by the Governor, I hereby certify that said bill LB 974A will become effective as provided by law.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Eighteenth day of April in the year of our Lord, one thousand nine hundred and ninety-four.

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

April 19, 1994

Patrick J. O'Donnell

Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to advise you and to have placed in the Legislative Journal that Legislative Bill 1035A was passed by the Ninety-third Legislature at its Second Session and was presented to the Governor.

I have received from Governor E. Benjamin Nelson Legislative Bill 1035A with his signature but with line-item reductions. This bill was received in the office of the Secretary of State on April 19, 1994, at 11:13 A.M.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State-Nebraska

AJB:lat

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that LB 1035A passed by the Ninety Third Legislature, Second Session was signed by Governor Nelson on April 18, 1994, but with certain items having been line-item vetoed.

Further, I hereby certify that inasmuch as the Legislature did not override the line-item vetoes and inasmuch as the bill has been filed in the office of Secretary of State in the form and amounts as approved by the Governor, I hereby certify that said bill LB 1035A will become effective as provided by law.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Nineteenth day of April in the year of our Lord, one thousand nine hundred and ninety-four.

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

April 19, 1994

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to advise you and to have placed in the Legislative Journal that Legislative Bill 1136A was passed by the Ninety-third Legislature at its Second Session and was presented to the Governor.

I have received from Governor E. Benjamin Nelson Legislative Bill 1136A with his signature but with line-item reductions. This bill was received in the office of the Secretary of State on April 19, 1994, at 11:15 A.M.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State-Nebraska

AJB:lat

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that LB 1136A passed by the Ninety Third Legislature, Second Session was signed by Governor Nelson on April 19, 1994, but with certain items having been line-item vetoed.

Further, I hereby certify that inasmuch as the Legislature did not override the line-item vetoes and inasmuch as the bill has been filed in the office of Secretary of State in the form and amounts as approved by the Governor, I hereby certify that said bill LB 1136A will become effective as provided by law.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Nineteenth day of April in the year of our Lord, one thousand nine hundred and ninety-four.

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE GOVERNOR

April 20, 1994

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 1224e was received in my office on April 14, 1994.

This bill was signed by me on April 20, 1994, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

MESSAGE FROM THE SECRETARY OF STATE

April 19, 1994

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to advise you and to have placed in the Legislative Journal that Legislative Bill 833A was passed by the Ninety-third Legislature at its Second Session and was presented to the Governor.

I have received from Governor E. Benjamin Nelson Legislative Bill 833A with his signature but with line-item reductions. This bill was received in the office of the Secretary of State at 4:21 P.M. on April 19, 1994.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State-Nebraska

AJB:lat

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that LB 833A passed by the Ninety Third Legislature, Second Session was signed by Governor Nelson on April 19, 1994, but with certain items having been line-item vetoed.

Further, I hereby certify that inasmuch as the Legislature did not override the line-item vetoes and inasmuch as the bill has been filed in the office of Secretary of State in the form and amounts as approved by the Governor, I hereby certify that said bill LB 833A will become effective as provided by law.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Nineteenth day of April in the year of our Lord, one thousand nine hundred and ninety-four.

(SEAL) Allen J. Beermann, Secretary of State

MESSAGES FROM THE GOVERNOR

April 20, 1994

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1022e, 1349e, and 1034 were received in my office on April 14, 1994; Engrossed Legislative Bills 1207e, 677e, and 677A were received on April 15, 1994.

These bills were signed by me on April 20, 1994, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 19, 1994

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

Today I signed LB 1066e and delivered it to the Secretary of State.

LB 1066e eliminates prohibitions placed on the Nebraska Investment Council's investments in corporations doing business in South Africa. The Legislature has observed that the environment present at the time of the enactment of the prohibition has changed. This bill will restore the Council's authority to invest in businesses connected to South Africa. There continues to be a requirement to invest prudently and wisely in companies, no matter where they are located.

Additionally, the Nebraska Investment Council will be required to review its current investments in corporations doing business with or in Northern Ireland and determine whether each has taken affirmative action during the previous year to eliminate religious and ethnic discrimination in Northern Ireland. The actions to be reviewed are embodied in the "MacBride principles."

Let it be noted that the bill does not require the Council to divest of the investments, nor is it prohibited from investing in corporations doing business in Northern Ireland. Should investments be made in corporations doing business in Northern Ireland, this bill requires the Council to monitor affirmative action by the corporations.

These policies are consistent with what I believe to be the view of most Nebraskans - that discrimination on the basis of religious or ethnic bias should not be tolerated.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:kmv

April 20, 1994

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

Today I signed LB 1207A with a line-item reduction of the personal services limitation.

The bill allows for the addition of one new FTE. The reduction in the personal services limitation will result in no new employees until the workload is assessed. This issue will be reviewed in the regular biennial budget request process next year.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 20, 1994

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

Today I signed LB 1034A with a line-item reduction of the personal services limitation.

The bill allows for the addition of two new FTEs. The reduction in the personal services limitation will result in a maximum of one new employee and no additional staff will be allowed until the workload is assessed. This issue will be reviewed in the regular biennial budget request process next year.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 20, 1994

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

Today I signed LB 1349A with a line-item reduction of the personal services limitation.

The bill allows for the addition of two new FTEs. The reduction in the personal services limitation will result in a maximum of one new employee and no additional staff will be allowed until the workload is

assessed. This issue will be reviewed in the regular biennial budget request process next year.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 20, 1994

Madam President, Mister Speaker
and Members of the Legislature
State Capitol Bldg.
Lincoln, NE 68509

Dear Madam President and Senators:

Engrossed Legislative Bills 1210 and 1210A were received in my office on April 15, 1994. I have signed the bills with great reluctance. Several meritorious proposals are included in LB 1210.

LB 1210 contains provisions of LB 1137 which would eliminate the current two-tiered system of licensing the profession of psychology and replace it with licensure at a single level. It contains several amendments to update and clean-up the uniform licensing law relating to the medical licensure examination, temporary nursing permits to strip nurse-aide training and competency evaluation programs in conformance with the federal requirements. It authorizes the Department of Health to contract with the federal agency to perform survey and certification functions under the clinical laboratory Improvement Act (CLIA) and delays the implementation date for the state regulatory program to October 1, 1995. It streamlines the statutes governing certification of professional counselors, and allows marriage and family counseling therapists to be licensed as mental health practitioners. It has provisions that offer flexibility for timeframes for emergency medical services personnel to receive CPR certification and clarification of timelines for which certification of first responder service shall be valid. It creates the Alzheimer's Special Care Disclosure Act. It also allows licensed pharmacies to dispense prescriptions of legend drugs into an "emergency box" to be utilized in licensed nursing homes and certain care institutions. It also creates a system for lead abatement in Nebraska to be implemented in 1995 which makes us eligible for federal funding immediately. These parts of the bill are necessary, and in some cases, critical to health services in the state.

Included in which these other proposals was a provision which defines ambulatory surgical centers and exempts these entities from the Certificate of Need process. Although I agree that this provision may allow for certain eye surgeries to be performed at a lower cost and that

the different interpretations of the Certificate of Need have confused and muddied this issue, I have serious concerns about this proposal and exempting any one particular entity from the Certificate of Need requirements. It is truly unfortunate that I am not able to consider this one proposal on its own merits.

Due to the fact that "Christmas tree" bills are becoming more and more common place, it becomes more and more difficult to delineate the proposals which would be good for Nebraska from the ones that are bad for Nebraska. It is appropriate for me to put the Legislature on notice that if any bill contains an "ornament" with which I do not agree, I will veto the bill. It is not fair to the people of the state to have to swallow the bad with the good when it is not necessary. Each proposal must stand on its own or not stand at all. In essence, any "Christmas tree" bills that are passed by the Legislature will be cut down, if one of the ornaments weights it down. This will be my practice in the future.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:kmv

MESSAGE FROM THE SECRETARY OF STATE

April 19, 1994

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to advise you and to have placed in the Legislative Journal that Legislative Bill 1224A was passed by the Ninety-third Legislature at its Second Session and was presented to the Governor.

I have received from Governor E. Benjamin Nelson Legislative Bill 1224A with his signature but with line-item reductions. This bill was received in the office of the Secretary of State at 4:15 P.M. on April 19, 1994.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State-Nebraska

AJB:lat

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that LB 1224A passed by the Ninety Third Legislature, Second Session was signed by Governor Nelson on April 19, 1994, but with certain items having been line-item vetoed.

Further, I hereby certify that inasmuch as the Legislature did not override the line-item vetoes and inasmuch as the bill has been filed in the office of Secretary of State in the form and amounts as approved by the Governor, I hereby certify that said bill LB 1224A will become effective as provided by law.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Nineteenth day of April in the year of our Lord, one thousand nine hundred and ninety-four.

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE GOVERNOR

April 20, 1994

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

Engrossed Legislative Bill 718 was received in my office on April 15, 1994.

I have signed LB 718 on April 20, 1994 with a great deal of concern for its potential unintended consequence of increasing the out-of-pocket prescription costs for consumers especially Nebraska citizens with long-term illnesses who have to depend on maintenance drugs.

I have visited with Senator Ardyce Bohlke who is the primary sponsor of LB 718 about my concerns. She has assured me that the bill is intended to help the rural community pharmacy and if its implementation results in prescription drug cost increases for the

consumer, she will revisit the issue and seek corrective legislation next year, if necessary.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

MESSAGE FROM THE SECRETARY OF STATE

April 21, 1994

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to advise you and to have placed in the Legislative Journal that Legislative Bill 1349A was passed by the Ninety-third Legislature at its Second Session and was presented to the Governor.

I have received from Governor E. Benjamin Nelson Legislative Bill 1349A with his signature but with a line-item reduction. This bill was received in the office of the Secretary of State at 3:41 P.M. on April 20, 1994.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State-Nebraska

AJB:lat

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that LB 1349A passed by the Ninety Third Legislature, Second Session was signed by Governor Nelson on April 20, 1994, but with a certain item having been line-item vetoed.

Further, I hereby certify that inasmuch as the Legislature did not override the line-item veto and inasmuch as the bill has been filed in the office of Secretary of State in the form and amounts as approved

by the Governor, I hereby certify that said bill LB 1034A will become effective as provided by law.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Twenty First day of April in the year of our Lord, one thousand nine hundred and ninety-four.

(SEAL) Allen J. Beermann, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

April 21, 1994

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to advise you and to have placed in the Legislative Journal that Legislative Bill 1207A was passed by the Ninety-third Legislature at its Second Session and was presented to the Governor.

I have received from Governor E. Benjamin Nelson Legislative Bill 1207A with his signature but with line-item reductions. This bill was received in the office of the Secretary of State at 3:41 P.M. on April 20, 1994.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State-Nebraska

AJB:lat

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that LB 1207A passed by the Ninety Third Legislature, Second Session was signed by Governor Nelson on April 20, 1994, but with certain items having been line-item vetoed.

Further, I hereby certify that inasmuch as the Legislature did not override the line-item vetoes and inasmuch as the bill has been filed in the office of Secretary of State in the form and amounts as approved by the Governor, I hereby certify that said bill LB 1034A will become effective as provided by law.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Twenty First day of April in the year of our Lord, one thousand nine hundred and ninety-four.

(SEAL) Allen J. Beermann, Secretary of State

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Done at Lincoln this Twenty First day of April in the year of our Lord, one thousand nine hundred and ninety-four.

(SEAL) Allen J. Beermann, Secretary of State

CERTIFICATE

I, Patrick J. O'Donnell, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies of letters provided concerning action on bills after adjournment of the Ninety-Third Legislature, Second Session, and other correspondence.

Patrick J. O'Donnell
Clerk of the Legislature

April 21, 1994
Lincoln, Nebraska

INDEXES FOR

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Compiled by

PATRICK J. O'DONNELL

Clerk of the Legislature

03-01-49-94

CHRONOLOGY OF BILLS

NINETY-THIRD LEGISLATURE
SECOND SESSION
1994

LEGISLATIVE BILL 21. By Warner

Jan.	5	Title	3
Mar.	28	Placed on General File	1475
Apr.	15	Indefinitely postponed	2141

LEGISLATIVE BILL 28. By Hohenstein, Bernard-Stevens, Schmitt

Jan.	5	Title	3
Jan.	12	Committee AM0530 p. 783, First Session, adopted. Chambers motion to indefinitely postpone withdrawn	288
Jan.	12	Chambers motion to indefinitely postpone lost. Advanced for Review	302
Jan.	20	Placed on Select File - AM5607 (printed separate)	411
Jan.	27	Bernard-Stevens AM2877 printed	516
Feb.	14	AM5607 (E & R) adopted. Bernard-Stevens pending AM2877 p. 516 adopted. Chambers FA368 and Haberman FA369 lost. Haberman FA370 pending	719
Feb.	15	Haberman pending FA370 p. 721 withdrawn. Haberman FA371 lost. Advanced for Engrossment	734
Feb.	22	Correctly Engrossed. ER7409 change	797
Feb.	25	Haberman motion to return to Select File for FA382 withdrawn. Final Reading 30-11-8	883
Feb.	25	President signed	892
Feb.	28	Presented to Governor (2/25)	901
Mar.	3	Approved by Governor (3/3)	1003

LEGISLATIVE BILL 32. By Kristensen

Jan.	5	Title	3
Apr.	15	Indefinitely postponed	2141

LEGISLATIVE BILL 37. By Moore, Robak, McKenzie

Jan. 5 Title 3
Jan. 13 Bromm name added 335
Feb. 22 Placed on General File - Com AM3281 800
Mar. 16 Hall AM3421 to committee AM3281 pending. Warner request for ruling of Chair, if AM3421 is germane, withdrawn. Hall motion to suspend rules and allow consideration of AM3421 lost. Hall AM3421 withdrawn. Beutler AM3687 (on file) ruled germane to committee AM3281 and sustained division of question. Beutler FA444 (1) ruled not germane. Beutler challenge of Chair pending 1243
Mar. 22 Ashford AM3873 to committee AM3281 printed 1330
Mar. 23 Beutler pending motion p. 1247 withdrawn. Beutler FA445 (2), FA446 (3), and FA447 (4) (on file) ruled not germane. Beutler FA448 (5) to committee AM3281 pending. Hall motion to bracket until 4/8/94 lost. Chambers FA456 to Hall bracket motion lost 1348
Mar. 24 Correction 1385
Mar. 28 Lindsay AM3667 printed 1508
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 51. By Hohenstein

Jan. 5 Title 3
Jan. 12 Bromm name added 311
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 51 amended into LB 903 by AM4550)

LEGISLATIVE BILL 55. By Schellpeper, Hohenstein, Robak

Jan. 5 Title 3
Jan. 18 Indefinitely postponed 351

LEGISLATIVE BILL 61. By Schimek, Rasmussen

Jan. 5 Title 3
Feb. 17 Indefinitely postponed 782

LEGISLATIVE BILL 64. By Elmer

Jan. 5 Title 4
Jan. 12 Failed to advance for Review 305
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 65. By Elmer

Jan. 5 Title 4
Mar. 2 Indefinitely postponed 966

LEGISLATIVE BILL 72. By Baack, at the request of the Governor

Jan. 5 Title 4
Feb. 23 Dierks priority bill 817
Feb. 23 Dierks name added 838
Feb. 24 Preister name added 874
Feb. 25 Placed on General File 891
Apr. 6 Advanced for Review 1744
Apr. 7 Placed on Select File 1811
Apr. 12 Advanced for Engrossment 1927
Apr. 12 Correctly Engrossed 1942
Apr. 14 Rasmussen motion to suspend rules prevailed 2072
Apr. 14 Final Reading 45-0-4 2073
Apr. 14 President signed 2091
Apr. 14 Presented to Governor (4/14) 2093
Apr. 15 Approved by Governor (4/15) 2116

LEGISLATIVE BILL 73. By Withem

Jan. 5 Title 4
Jan. 24 Indefinitely postponed 474

LEGISLATIVE BILL 75. By Withem

Jan. 5 Title 4
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 76. By Withem, Baack, Schimek

Jan. 5 Title 4
Jan. 13 Robinson and Moore names added 335
Jan. 18 Withem AM2080 to committee AM1741 printed 358
Jan. 19 Committee AM1741 p. 1805, First Session, adopted. Pirsch AM2765 lost. Advanced for Review 370
Feb. 2 Placed on Select File - AM5649 (printed separate) 574
Feb. 10 Attorney General's Opinion #94008 to Witek 672
Feb. 15 Kristensen AM2782 printed 738
Feb. 23 Schimek priority bill 821
Mar. 1 Schimek AM3375 printed separate 938
Mar. 1 Withem AM3376 printed 940
Mar. 2 Preister AM3170 printed. Schimek AM3044 printed separate 962
Mar. 3 Avery-Vrtiska-Fisher AM3529 printed 1009

Mar. 8 Beutler AM3573 printed 1021
Mar. 8 Withem AM3601 printed 1037
Mar. 8 Withem AM3602 printed 1038
Mar. 16 Withem AM3801 to AM3529 printed 1248
Mar. 16 Withem AM3802, AM3803, and AM3804 to AM3529 printed 1249
Mar. 16 Hall AM3712 to AM3573 printed 1263
Mar. 17 AM5649 (E & R) adopted. Withem pending AM2080 p. 358, AM3376 p. 940, and Avery-Vrtiska-Fisher pending AM3529 p. 1009 withdrawn. Schimek pending AM3375 p. 938, Preister pending AM3170 p. 962, and Beutler pending AM3573 p. 1021 adopted. Kristensen pending AM2782 p. 738 and Withem pending AM3601 p. 1037 lost 1269
Mar. 17 Avery AM3846 printed 1282
Mar. 17 Avery-Fisher AM3852 printed 1288
Mar. 23 Withem AM3878 to AM3852 printed 1369
Mar. 24 Withem pending AM3602 p. 1038, AM3801 p. 1248, AM3802, AM3803, AM3804 p. 1249 withdrawn. Hall pending AM3712 p. 1263 and Schimek pending AM3044 p. 962 adopted 1420
Mar. 25 Avery pending AM3846 p. 1282 and Withem pending AM3878 p. 1369 withdrawn. Avery-Fisher pending AM3852 p. 1288 sustained division of question. Avery-Fisher FA464 and remaining portions of AM3852 withdrawn. Withem FA470 withdrawn. Schimek AM3591 adopted 1429
Mar. 25 Wehrbein-Moore AM4053, Beutler AM3596 and Avery-Withem AM4080 adopted. Avery AM4064 pending 1442
Mar. 25 Avery pending AM4064 p. 1444 adopted. Chambers AM4083 pending 1448
Mar. 28 Coordsen FA473 printed 1470
Mar. 28 Avery motion to reconsider AM3596 laid over 1471
Mar. 29 Avery-Schimek AM4098 printed 1529
Mar. 30 Bernard-Stevens AM4200 to AM4083 printed 1592
Mar. 31 Bernard-Stevens pending AM4200 p. 1592 withdrawn. Chambers pending AM4083 p. 1448 lost. Avery pending motion p. 1471 lost 1675
Mar. 31 Avery-Abboud-Schimek AM4268 adopted. Dierks FA516 and FA517 lost 1679
Apr. 6 Dierks request to substitute amendment prevailed. Dierks FA522 withdrawn. Schimek substitute AM4361 adopted. Coordsen pending FA473 p. 1470 and Avery-Schimek pending AM4098

p. 1529 withdrawn. Advanced for Engrossment 1759
Apr. 11 Correctly Engrossed. ER7454 change 1851
Apr. 14 Final Reading 39-2-8 2055
Apr. 14 President signed 2058
Apr. 14 Presented to Governor (4/14) 2061
Apr. 15 Approved by Governor (4/15) 2139
(Provisions/portions of LB 398 amended into LB 76 by AM3375)
(Provisions/portions of LB 1143 amended into LB 76 by AM3044)
(Provisions/portions of LB 1252 amended into LB 76 by AM4053)

LEGISLATIVE BILL 76A. By Schimek, Withem

Mar. 3 Read first time. Placed on General File 1010
Mar. 15 Advanced for Review 1208
Mar. 23 Placed on Select File 1365
Apr. 6 Schimek AM3967 adopted.
Advanced for Engrossment 1764
Apr. 11 Correctly Engrossed 1851
Apr. 14 Final Reading 40-0-9 2057
Apr. 14 President signed 2058
Apr. 14 Presented to Governor (4/14) 2061
Apr. 15 Approved by Governor (4/15) 2139

LEGISLATIVE BILL 77. By Schimek, Crosby, McKenzie

Jan. 5 Title 5
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 79. By Bernard-Stevens, Elmer

Jan. 5 Title 5
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 80. By Crosby, Hudkins, Schmitt, Vrtiska, Witek, Preister, Wehrbein, Hohenstein, Warner, Bromm, Jones

Jan. 5 Title 6
Mar. 3 Indefinitely postponed 994
Mar. 3 Crosby motion to place on General File
laid over 1000
Mar. 9 Crosby pending motion p. 1000 lost 1067

LEGISLATIVE BILL 82. By Ashford

Jan. 5 Title 6
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 85. By Ashford

Jan. 5 Title 6
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 94. By Withem

Jan. 5 Title 6
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 94A. By Withem

Jan. 5 Title 6
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 95. By Withem

Jan. 5 Title 6
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 96. By Withem

Jan. 5 Title 6
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 98A. By Withem

Jan. 5 Title 7
Jan. 24 Warner-Withem AM2818 printed 468
Jan. 25 Returned to Select File for Warner-Withem amendment. Warner-Withem pending AM2818 p. 468 adopted. Advanced for Reengrossment. Expedited 482
Jan. 25 Correctly Reengrossed 487
Jan. 27 Withem motion to suspend rules prevailed. Final Reading w/E 45-0-4 518
Jan. 27 President signed 519
Feb. 1 Presented to Governor (1/27). Approved by Governor (1/27) 527

LEGISLATIVE BILL 99. By Withem

Jan. 5 Title 7
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 100. By Byars, Beutler

Jan. 5 Title 7
Feb. 17 Failed to advance for Engrossment. Stands indefinitely postponed 775

LEGISLATIVE BILL 102. By Schellpeper, Hartnett, Hohenstein

Jan. 5 Title 7
Feb. 24 Schellpeper AM3383 printed 845
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 120. By Pirsch, Will

Jan. 5 Title 7
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 123. By Byars, Lynch

Jan. 5 Title 7
Jan. 24 Placed on General File - Com AM2808 471
(printed separate)
Feb. 11 Committee AM2808 adopted. Advanced for Review 698
Feb. 17 Placed on Select File - AM5663 772
Feb. 24 AM5663 (E & R) adopted.
Advanced for Engrossment 858
Mar. 2 Correctly Engrossed. ER7423 change 977
Mar. 11 Final Reading 40-0-9 1137
Mar. 11 President signed 1142
Mar. 11 Presented to Governor (3/11) 1149
Mar. 16 Approved by Governor (3/16) 1250

LEGISLATIVE BILL 125. By Elmer, Coordsen, Cudaback, Dierks, Haberman, Hartnett, Hillman, Hohenstein, Horgan, Lynch, McKenzie, Moore, Wehrbein, Wickersham

Jan. 5 Title 8
Jan. 18 Beutler AM2730 printed 342
Jan. 19 Jones name added 389
Feb. 8 Witek name added 654
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 132. By Will, Wickersham

Jan. 5 Title 8
Jan. 21 Committee AM1060 p. 1213, First Session,
adopted. Advanced for Review 444
Feb. 1 Placed on Select File - AM5642 548
Feb. 9 Wickersham AM3055 printed separate 663
Mar. 9 Schimek AM3511 to AM5642 printed 1079
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 135. By Bernard-Stevens

Jan. 5 Title 8
Jan. 24 Indefinitely postponed 474

LEGISLATIVE BILL 137. By Will, Abboud, Hillman, Lindsay, Schellpeper

Jan. 5 Title 8
Mar. 16 Will AM3758 printed 1263
Mar. 17 Kristensen AM3832 to AM5500 printed 1280
Mar. 24 Will AM3833 printed 1402
Mar. 28 Kristensen et al pending FA292 p. 2678 and remaining portion of AM2161 p. 2624, First Session, withdrawn. Kristensen AM2215 and AM2216 p. 2626-7, First Session, withdrawn. Will pending AM3758 p. 1263 withdrawn. Kristensen pending AM3832 p. 1280 pending 1464
Mar. 28 Dierks AM4108 to AM3832 adopted. Hall motion to reconsider AM4108 prevailed. Dierks reconsidered AM4108 lost 1465
Apr. 7 Will AM4369 printed 1810
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 140. By Bernard-Stevens, Wickersham

Jan. 5 Title 8
Feb. 25 Returned to Select File for Bernard-Stevens amendment. Bernard-Stevens AM3359 (on file) lost. Readvanced to Final Reading 887
Apr. 15 Passed over 2110
Apr. 15 Failed on Final Reading 20-24-5 2130

LEGISLATIVE BILL 140A. By Bernard-Stevens

Jan. 5 Title 8
Mar. 22 Bernard-Stevens AM2638 printed 1313
Apr. 13 Returned to Select File for Bernard-Stevens amendment. Bernard-Stevens pending AM2638 p. 1313 adopted. Advanced for Reengrossment 1988
Apr. 13 Correctly Reengrossed 2008
Apr. 15 Passed over 2110
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 144. By Bernard-Stevens

Jan. 5 Title 8
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 147. By Dierks, Crosby, Hillman, Horgan, Preister

Jan. 5 Title 9
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 148. By Dierks, Preister

Jan. 5 Title 9
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 149. By Dierks, Preister

Jan. 5 Title 9
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 150. By Dierks, Hohenstein, Schellpeper, Wesely

Jan. 5 Title 9
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 153. By Dierks, Jones

Jan. 5 Title 9
Mar. 8 Indefinitely postponed 1027

LEGISLATIVE BILL 156. By Dierks, Horgan, Lindsay, Witek, Jones

Jan. 5 Title 9
Feb. 23 Judiciary Committee priority bill 821
Feb. 25 Placed on General File 892
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 160. By Kristensen

Jan. 5 Title 9
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 165. By Coordsen

Jan. 5 Title 10
Mar. 8 Indefinitely postponed 1027

LEGISLATIVE BILL 166. By Wehrbein, Witek

Jan. 5 Title 10
Jan. 25 Placed on General File 478
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 167. By Wehrbein

Jan. 5 Title 10
Jan. 24 Indefinitely postponed 474

LEGISLATIVE BILL 169. By Coordsen

Jan. 5 Title 10
Jan. 25 Indefinitely postponed 478

LEGISLATIVE BILL 172. By Lynch

Jan. 5 Title 10
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 172 amended into LB 480 by AM1889)

LEGISLATIVE BILL 173. By Robak, Crosby, Hartnett, Hillman, Schimek

Jan. 5 Title 10
Mar. 8 Indefinitely postponed 1027

LEGISLATIVE BILL 181. By Ashford, Pedersen

Jan. 5 Title 10
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 185. By Beutler, Avery, Bromm, Jones, Wickersham

Jan. 5 Title 11
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 185 amended into LB 414 by AM2728)

LEGISLATIVE BILL 186. By Schimek, Hillman, McKenzie, Rasmussen, Robinson, Withem

Jan. 5 Title 11
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 188. By Lindsay

Jan. 5 Title 11
Jan. 21 Committee AM1205 p. 1315, First Session, adopted. Advanced for Review 445
Feb. 1 Placed on Select File 551
Feb. 24 Advanced for Engrossment 860
Mar. 2 Beutler AM3465 printed 947

Mar. 8 Correctly Engrossed 1014
Mar. 22 Beutler AM3504 printed 1305
Apr. 13 Beutler pending AM3465 p. 947 and AM3504 p. 1305 withdrawn. Returned to Select File for Wickersham-Beutler amendment. Wickersham-Beutler AM4581 adopted. Advanced for Reengrossment 1995
Apr. 13 Correctly Reengrossed 2051
Apr. 15 Withem motion to suspend rules prevailed 2017
Apr. 15 Final Reading 48-0-1 2114
Apr. 15 Speaker signed 2116
Apr. 15 Presented to Governor (4/15) 2118
Apr. 21 Approved by Governor (4/19) 2149
(Provisions/portions of LB 1182 amended into LB 188 by AM4581)

LEGISLATIVE BILL 196. By Robak, Hillman

Jan. 5 Title 11
Mar. 8 Indefinitely postponed 1027

LEGISLATIVE BILL 197. By Byars

Jan. 5 Title 11
Mar. 8 Indefinitely postponed 1027

LEGISLATIVE BILL 202. By Landis

Jan. 5 Title 11
Jan. 13 Committee AM0374 p. 652, First Session, adopted. Advanced for Review 329
Jan. 24 Placed on Select File 465
Jan. 27 Advanced for Engrossment 520
Feb. 1 Correctly Engrossed 562
Feb. 14 Final Reading 45-0-4 711
Feb. 14 President signed 718
Feb. 14 Presented to Governor (2/14) 727
Feb. 16 Approved by Governor (2/15) 749

LEGISLATIVE BILL 204. By Schmitt, Robak

Jan. 5 Title 12
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 206. By Horgan, Pedersen

Jan. 5 Title 12
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 211. By Hillman, Horgan, Wesely, Ashford

Jan. 5 Title 12
Jan. 13 Bernard-Stevens AM2732 printed 332
Jan. 21 Committee AM0529, p. 783, First Session, adopted. Bernard-Stevens pending AM2732 p. 332 adopted. Advanced for Review 437
Feb. 1 Placed on Select File - AM5634 ..... 530 (printed separate)
Feb. 24 AM5634 (E & R) adopted. Advanced for Engrossment 859
Mar. 8 Correctly Engrossed 1014
Mar. 23 Wesely motion to return to Select File for FA454 withdrawn. Final Reading 36-6-7 1336
Mar. 23 Speaker signed 1348
Mar. 23 Presented to Governor (3/23) 1353
Mar. 28 Approved by Governor (3/25) 1471
(Provisions/portions of LB 145 amended into LB 211 by AM2732)

LEGISLATIVE BILL 211A. By Hillman

Jan. 5 Title 12
Jan. 21 Advanced for Review 437
Feb. 1 Placed on Select File - AM5643 530
Feb. 24 AM5643 (E & R) adopted. Advanced for Engrossment 859
Mar. 8 Correctly Engrossed 1014
Mar. 23 Final Reading 35-5-9 1337
Mar. 23 Speaker signed 1348
Mar. 23 Presented to Governor (3/23) 1353
Mar. 28 Approved by Governor (3/25) 1471

LEGISLATIVE BILL 212. By Hillman, Baack

Jan. 5 Title 12
Jan. 20 Hillman AM2774 printed separate 413
Jan. 25 Placed on General File 478
Feb. 11 Hillman pending AM2774 p. 413 withdrawn. Hillman AM3153 (printed separate) adopted. Advanced for Review 698
Feb. 17 Placed on Select File - AM5660 772
Feb. 24 AM5660 (E & R) adopted. Advanced for Engrossment 858
Mar. 2 Correctly Engrossed 977
Mar. 11 Final Reading 42-0-7 1138
Mar. 11 President signed 1142
Mar. 11 Presented to Governor (3/11) 1149
Mar. 16 Approved by Governor (3/15) 1248

LEGISLATIVE BILL 213. By Cudaback, Bromm, Horgan

Jan. 5 Title 12
Jan. 25 Placed on General File 478
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 219. By Landis

Jan. 5 Title 12
Jan. 25 Landis AM2816 printed 485
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 219 amended into LB 979 by AM3611)

LEGISLATIVE BILL 221. By Lindsay, Ashford, Lynch, Will

Jan. 5 Title 12
Mar. 8 Indefinitely postponed 1033

LEGISLATIVE BILL 223. By Crosby

Jan. 5 Title 13
Mar. 1 Indefinitely postponed 938

LEGISLATIVE BILL 227. By Schmitt

Jan. 5 Title 13
Jan. 24 Placed on General File - Com AM2804 471
Feb. 23 Transportation Committee priority bill 821
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 232. By Cudaback, Bromm

Jan. 5 Title 13
Mar. 2 Indefinitely postponed 966

LEGISLATIVE BILL 233. By Kristensen, Witek, Jones

Jan. 5 Title 13
Jan. 25 Indefinitely postponed 478

LEGISLATIVE BILL 238. By Hillman, Byars, Dierks, Pedersen, Robak, Schmitt

Jan. 5 Title 13
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 241. By Landis, Crosby, Lynch, Wehrbein, Coordsen, Will, Pedersen, Fisher, Hall, Bromm, Preister, Horgan, Vrtiska, Beutler, Wickersham, Hillman, Bernard-Stevens,

Hohenstein, Robinson, Hudkins, Robak, Schellpeper, Jones, Rasmussen, Schimek, Elmer, Ashford, Avery

Jan. 5 Title 13
Jan. 13 Cudaback and Bohlke names added 335
Jan. 18 Witek name added 362
Jan. 21 Committee AM0647, p. 1006, First Session, adopted. Advanced for Review 438
Feb. 1 Placed on Select File - AM5637 535
Feb. 4 McKenzie name added 615
Feb. 8 Landis AM2936 to AM5637 printed 647
Feb. 25 Speaker priority bill 875
Mar. 11 AM5637 (E & R) adopted. Landis pending AM2936 p. 647 adopted. Advanced for Engrossment 1151
Mar. 17 Correctly Engrossed 1286
Mar. 28 Final Reading 37-0-12 1458
Mar. 28 President signed 1464
Mar. 28 Presented to Governor (3/28) 1470
Mar. 30 Approved by Governor (3/30) 1601

LEGISLATIVE BILL 242. By Schimek, Bohlke, Crosby, Hillman, Horgan, Rasmussen, Robak, Wickersham

Jan. 5 Title 13
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 245. By Wickersham, Byars, Crosby, Pirsch

Jan. 5 Title 14
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 245 amended into LB 1088 by AM4578)

LEGISLATIVE BILL 248. By Lynch, Hartnett, Will, Withem

Jan. 5 Title 14
Jan. 11 Lynch pending AM1778 p. 1889, First Session, withdrawn. Lynch pending AM2040 p. 2174, First Session, and Lynch-Schimek AM2696 adopted. Advanced for Review 270
Jan. 18 Placed on Select File - AM5600 344
Jan. 19 Lynch AM2745 to AM5600 printed 365
Jan. 20 AM5600 (E & R) adopted. Lynch pending AM2745 p. 365 and Haberman FA319 adopted. Advanced for Engrossment 404
Jan. 27 Correctly Engrossed 521
Jan. 27 ER7401 change 522
Mar. 23 Failed on Final Reading 24-16-9 1344
Mar. 28 Pedersen motion to reconsider Final

Reading vote laid over 1487
Mar. 30 Pedersen pending motion p. 1487 prevailed 1603
Mar. 30 Final Reading 25-15-9 1604
Mar. 30 Speaker signed 1605
Mar. 30 Presented to Governor (3/30) 1611
Apr. 5 Approved by Governor (4/5) 1722

LEGISLATIVE BILL 248A. By Lynch

Jan. 5 Title 14
Jan. 11 Advanced for Review 271
Jan. 18 Placed on Select File - AM5601 349
Jan. 20 AM5601 (E & R) adopted.
Advanced for Engrossment 405
Jan. 27 Correctly Engrossed 521
Mar. 30 Final Reading 36-1-12. Speaker signed 1605
Mar. 30 Presented to Governor (3/30) 1611
Apr. 5 Approved by Governor (4/5) 1722

LEGISLATIVE BILL 249. By Landis, Crosby, Horgan, Wesely

Jan. 5 Title 14
Jan. 6 Landis AM2673 printed 203
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 249A. By Landis

Jan. 5 Title 14
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 252. By Vrtiska, Schimek

Jan. 5 Title 14
Jan. 18 Vrtiska AM2735 printed 342
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 254. By Kristensen, Wickersham

Jan. 5 Title 14
Jan. 11 Committee AM1186 p. 1298, First Session,
adopted as amended by Kristensen pending
AM2284 p. 2835, First Session.
Advanced for Review 275
Jan. 18 Placed on Select File - AM5606 350
Jan. 19 McKenzie-Kristensen AM2768 to AM2284 printed 379
Jan. 25 AM5606 (E & R) adopted. McKenzie-Kristensen
pending AM2768 p. 379 adopted. Hall FA324
lost. Chambers FA325 pending 486
Jan. 27 Chambers pending FA325 p. 487 lost 512

Jan. 27 Chambers FA328 lost. Chambers FA327 pending 517
Feb. 8 Chambers pending FA327 p. 518 withdrawn. Kristensen AM3035 adopted. Ashford FA351 lost. Advanced for Review 618
Feb. 10 Correctly Engrossed. ER7404 change 688
Feb. 25 Final Reading w/E 40-2-7 884
Feb. 25 President signed 892
Feb. 28 Presented to Governor (2/25) 901
Feb. 28 Approved by Governor (2/28) 916

LEGISLATIVE BILL 260. By Crosby

Jan. 5 Title 15
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 262. By Abboud, Lindsay

Jan. 5 Title 15
Jan. 11 Passed over 274
Jan. 11 Lindsay-Abboud FA312 printed 283
Jan. 12 Lindsay-Abboud pending FA312 p. 283 withdrawn. Abboud-Lindsay AM2706 lost. Kristensen motion to indefinitely postpone laid over 288
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 263. By Withem

Jan. 5 Title 15
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 264. By Withem

Jan. 5 Title 15
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 275. By Wesely

Jan. 5 Title 15
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 276. By Pirsch, Hohenstein, Lindsay, Witek

Jan. 5 Title 15
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 277. By Pirsch, Hohenstein, Lindsay, Witek

Jan. 5 Title 16
Jan. 13 Committee AM0338 p. 639, First Session,

adopted 323
Jan. 13 Bernard-Stevens FA314 adopted. Avery motion to bracket until 1/18/94 withdrawn. Advanced for Review 328
Jan. 24 Placed on Select File - AM5624 462
Feb. 22 Pirsch AM3320 to AM5624 printed 810
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 277A. By Pirsch

Jan. 5 Title 16
Jan. 13 Bernard-Stevens FA315 adopted. Advanced for Review 329
Jan. 24 Placed on Select File - AM5623 465
Jan. 26 Bernard-Stevens AM2856 to AM5623 printed 506
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 281. By Coordsen

Jan. 5 Title 16
Jan. 25 Indefinitely postponed 478

LEGISLATIVE BILL 285. By Hall

Jan. 5 Title 16
Feb. 17 Indefinitely postponed 782

LEGISLATIVE BILL 286. By Hall

Jan. 5 Title 16
Jan. 12 Passed over 309
Jan. 13 Passed over 313
Jan. 18 Passed over 339
Jan. 18 Hall-Coordsen-Abboud AM2749 printed separate 358
Jan. 20 Hall AM2794 printed separate 413
Jan. 24 Committee AM0132 p. 452, First Session, lost as amended. Coordsen pending FA18 p. 525, AM0201, AM0239, AM0241, AM0203, and AM0202 p. 526, First Session, withdrawn. Hall et al pending AM2749 p. 358 withdrawn. Hall pending AM2794 p. 413 adopted as amended by Hall FA321. Advanced for Review 461
Feb. 1 Placed on Select File - AM5648 554
Feb. 1 Coordsen-Hall AM2830 to AM2794 printed 567
Feb. 15 Hall-Coordsen AM3191 to AM2794 printed 738
Mar. 11 AM5648 (E & R) adopted. Coordsen-Hall pending AM2830 p. 567, Hall-Coordsen pending AM3191 p. 738, and Coordsen AM3701 adopted.

Advanced for Engrossment 1153
Mar. 22 Correctly Engrossed. ER7437 change 1294
Mar. 28 Final Reading w/E 43-0-6 1463
Mar. 28 President signed 1464
Mar. 28 Presented to Governor (3/28) 1470
Mar. 30 Approved by Governor (3/30) 1601
(Provisions/portions of LB 1101 amended into LB 286 by AM3701)

LEGISLATIVE BILL 287. By Hall

Jan. 5 Title 16
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 290. By Coordsen, Ashford, Byars, Lynch

Jan. 5 Title 16
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 291. By Robak, Bernard-Stevens, Bohlke, Byars, Moore, Wesely

Jan. 5 Title 17
Jan. 13 Committee AM0273 p. 577, First Session, adopted. Advanced for Review 317
Jan. 21 Placed on Select File - AM5615 440
Jan. 26 Bernard-Stevens AM2857 to AM5615 printed 505
Feb. 8 Bernard-Stevens AM2900 to AM5615 printed 627
Feb. 17 AM5615 (E & R) adopted. Bernard-Stevens pending AM2857 p. 505 and AM2900 p. 627 adopted. Advanced for Engrossment 781
Feb. 23 Correctly Engrossed. ER7412 change 827
Mar. 23 Final Reading 43-0-6 1338
Mar. 23 Speaker signed 1348
Mar. 23 Presented to Governor (3/23) 1353
Mar. 28 Approved by Governor (3/25) 1471

LEGISLATIVE BILL 291A. By Robak

Jan. 5 Title 17
Jan. 13 Advanced for Review 317
Jan. 21 Placed on Select File - AM5617 443
Feb. 17 AM5617 (E & R) adopted. Robak AM2843 adopted. Advanced for Engrossment 781
Feb. 23 Correctly Engrossed 827
Mar. 23 Final Reading 44-0-5 1339
Mar. 23 Speaker signed 1348
Mar. 23 Presented to Governor (3/23) 1353
Mar. 28 Approved by Governor (3/25) 1471

LEGISLATIVE BILL 296. By Lynch

Jan.	5	Title	17
Mar.	8	Indefinitely postponed	1020

LEGISLATIVE BILL 303. By Wickersham

Jan.	5	Title	17
Apr.	15	Indefinitely postponed	2141

LEGISLATIVE BILL 308. By Hohenstein, Witek, Pedersen

Jan.	5	Title	17
Apr.	15	Indefinitely postponed	2141

LEGISLATIVE BILL 309. By Pirsch

Jan.	5	Title	17
Mar.	8	Indefinitely postponed	1033

LEGISLATIVE BILL 312. By Warner

Jan.	5	Title	17
Apr.	15	Indefinitely postponed	2141

LEGISLATIVE BILL 313. By Warner

Jan.	5	Title	17
Apr.	15	Indefinitely postponed	2141

LEGISLATIVE BILL 314. By Warner, Beutler, Bohlke, Crosby, Lynch, Schimek

Jan.	5	Title	18
Mar.	8	Placed on General File - Com AM3498	1035
Mar.	10	Committee AM3498 adopted. Advanced for Review	1122
Mar.	15	Placed on Select File - AM5701	1220
Mar.	15	Warner AM3743 printed	1225
Mar.	24	AM5701 (E & R) adopted. Warner pending AM3743 p. 1225 adopted. Advanced for Engrossment	1419
Mar.	28	Correctly Engrossed. ER7452 change	1500
Apr.	7	Final Reading 41-0-8	1783
Apr.	7	Speaker signed	1786
Apr.	7	Presented to Governor (4/7)	1789
Apr.	12	Returned by Governor without approval (4/12)	1948
Apr.	14	Appropriations Committee Report	2060

LEGISLATIVE BILL 317. By Wesely

Jan. 5 Title 18
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 320. By Warner, Robinson

Jan. 5 Title 18
Jan. 21 Warner AM2780 printed 447
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 320A. By Warner

Jan. 5 Title 18
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 322. By Appropriations Committee, at the request of the Governor

Jan. 5 Title 18
Jan. 19 Committee AM1682 p. 1868, First Session, adopted as amended by Moore AM2767. Wesely AM2310 p. 2401, First Session, withdrawn. Hall AM2173 lost. Advanced for Review 366
Jan. 25 Hall AM2854 to AM5625 printed 485
Jan. 27 Moore AM2784 to AM5625 printed 515
Jan. 27 Placed on Select File - AM5625 (printed separate) 523
Feb. 8 Moore AM3039 to AM5625 printed 653
Feb. 10 Kristensen AM3128 to AM5625 printed 692
Feb. 10 Kristensen AM3127 to AM5625 printed 693
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 322A. By Moore

Jan. 5 Title 18
Jan. 19 Advanced for Review 370
Jan. 27 Placed on Select File - AM5630 522
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 324. By Withem

Jan. 5 Title 18
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 333. By Haberman

Jan. 5 Title 19
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 335. By Bernard-Stevens

Jan. 5 Title 19
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 337. By Bohlke, Bernard-Stevens, Byars, Moore, Robak, Wesely

Jan. 5 Title 19
Jan. 13 Committee AM0232 p. 578, First Session, adopted. Advanced for Review 318
Jan. 21 Placed on Select File - AM5616 443
Jan. 27 AM5616 (E & R) adopted. Advanced for Engrossment 519
Feb. 1 Correctly Engrossed 555
Feb. 14 Final Reading 45-0-4 712
Feb. 14 President signed 718
Feb. 14 Presented to Governor (2/14) 727
Feb. 16 Approved by Governor (2/15) 749

LEGISLATIVE BILL 338. By Cudaback, Bohlke, Hillman, Schimek

Jan. 5 Title 19
Jan. 21 Passed over 445
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 338A. By Cudaback

Jan. 5 Title 19
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 339. By Hartnett

Jan. 5 Title 19
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 342. By Coordsen

Jan. 5 Title 19
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 342A. By Coordsen

Jan. 5 Title 20
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 343. By Hall

Jan. 5 Title 20
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 349. By Withem

Jan. 5 Title 20
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 349A. By Withem

Jan. 5 Title 20
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 353. By Hudkins, Hohenstein, Pedersen, Robak, Schmitt, Vrtiska

Jan. 5 Title 20
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 354. By Witek, Pedersen, Fisher

Jan. 5 Title 20
Jan. 21 Placed on General File - Com AM2783 434
Feb. 11 Committee AM2783 adopted 697
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 354A. By Witek

Feb. 16 Read first time. Placed on General File 754
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 355. By Witek, Pedersen, Pirsch

Jan. 5 Title 20
Jan. 25 Indefinitely postponed 478

LEGISLATIVE BILL 357. By Rasmussen, Hall, Pirsch, Robak, Withem

Jan. 5 Title 21
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 358. By Schmitt

Jan. 5 Title 21
Jan. 21 Committee AM0883, p. 1006, First Session, adopted. Advanced for Review 439
Jan. 25 Schmitt AM2815 to committee AM0883 printed 496
Feb. 1 Placed on Select File - AM5638 538
Mar. 2 Schmitt AM3451 to committee AM0883 printed 962
Mar. 11 AM5638 (E & R) adopted. Schmitt pending AM2815 p. 496 and AM3451 p. 962 adopted. Advanced for Engrossment 1168
Mar. 22 Correctly Engrossed. ER7435 change 1294
Apr. 13 Final Reading w/E 36-2-11 2015
Apr. 13 President signed 2033
Apr. 13 Presented to Governor (4/13) 2051
Apr. 21 Approved by Governor (4/18) 2145

LEGISLATIVE BILL 359. By Pirsch, Haberman, Wickersham

Jan. 5 Title 21
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 361. By Will

Jan. 5 Title 21
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 366. By Crosby

Jan. 5 Title 21
Jan. 25 Placed on General File - Com AM2796 477
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 368. By Will

Jan. 5 Title 21
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 371. By Moore

Jan. 5 Title 21
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 376. By Health and Human Services Committee

Jan. 5 Title 22
Jan. 18 Committee AM0461 p. 724, First Session, lost. Wesely pending AM1983 p. 2112, First Session, (printed separate) adopted. Advanced for Review 343
Jan. 25 Placed on Select File - AM5622 (printed separate) 478
Feb. 14 Hall AM3163 printed 727
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 376 amended into LB 1210 by AM4375)

LEGISLATIVE BILL 378. By Schellpeper

Jan. 5 Title 22
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 379. By Abboud, Bromm

Jan. 5 Title 22
Jan. 18 Committee AM0477 p. 758, First Session, adopted. Advanced for Review 358
Jan. 19 Abboud AM2763 printed 380
Jan. 27 Placed on Select File - AM5627 522
Feb. 2 Beutler AM2860 printed 575
Feb. 17 AM5627 (E & R) adopted. Abboud pending AM2763 p. 380 adopted. Advanced for Engrossment 782
Feb. 24 Correctly Engrossed. ER7413 change 840
Mar. 2 Beutler motion to return to Select File withdrawn. Beutler pending AM2860 p. 575 withdrawn 954
Mar. 2 Final Reading w/E 43-2-4 955
Mar. 2 Speaker signed 962

Mar. 2 Presented to Governor (3/2) 967
Mar. 8 Approved by Governor (3/7) 1015

LEGISLATIVE BILL 380. By Withem, Abboud

Jan. 5 Title 22
Jan. 25 Indefinitely postponed 478

LEGISLATIVE BILL 381. By Chambers

Jan. 5 Title 22
Jan. 11 Advanced for Review 275
Jan. 20 Placed on Select File 407
Jan. 25 Advanced for Engrossment 487
Feb. 1 Correctly Engrossed 555
Feb. 14 Final Reading 45-0-4 713
Feb. 14 President signed 718
Feb. 14 Presented to Governor (2/14) 727
Feb. 16 Approved by Governor (2/15) 749

LEGISLATIVE BILL 382. By Wesely

Jan. 5 Title 22
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 383. By Elmer

Jan. 5 Title 22
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 385. By Cudaback

Jan. 5 Title 23
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 391. By Beutler

Jan. 5 Title 23
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 392. By Rasmussen, Baack, Moore, Withem

Jan. 5 Title 23
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 393. By Rasmussen

Jan. 5 Title 23
Feb. 10 Rasmussen AM3099 printed 690
Feb. 10 Rasmussen AM3019 printed 692
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 394. By Hall

Jan. 5 Title 23
Mar. 8 Indefinitely postponed 1033

LEGISLATIVE BILL 395. By Hall, Chambers

Jan. 5 Title 23
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 398. By Wesely

Jan. 5 Title 24
Jan. 21 Committee AM0613, p. 836, First Session, adopted. Advanced for Review 438
Feb. 1 Placed on Select File 531
Feb. 8 Advanced for Engrossment 636
Feb. 11 Correctly Engrossed 704
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 398 amended into LB 76 by AM3375)

LEGISLATIVE BILL 401. By Crosby

Jan. 5 Title 24
Jan. 24 Crosby AM2795 printed 458
Jan. 25 Crosby AM2831 printed 494
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 401 amended into LB 1275 by AM4015)

LEGISLATIVE BILL 404. By Kristensen

Jan. 5 Title 24
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 407. By Cudaback

Jan. 5 Title 24
Jan. 18 Committee AM0495 p. 758, First Session, adopted. Advanced for Review 358
Jan. 27 Placed on Select File - AM5628 522
Feb. 8 AM5628 (E & R) adopted. Advanced for Engrossment 635
Feb. 10 Correctly Engrossed 688
Feb. 25 Final Reading 31-0-18 876
Feb. 25 President signed 892
Feb. 28 Presented to Governor (2/25) 901
Mar. 8 Approved by Governor (3/3) 1015

LEGISLATIVE BILL 408. By Cudaback

Jan. 5 Title 24
Feb. 9 Wickersham AM2803 to committee AM0612 printed ... 660
Mar. 17 Committee AM0612 p. 836, First Session, adopted as amended by Wickersham pending AM2803 p. 660. Advanced for Review 1282
Mar. 24 Placed on Select File - AM5715 1385
Apr. 7 AM5715 (E & R) adopted. Advanced for Engrossment 1798
Apr. 11 Correctly Engrossed 1858

Apr. 11 ER7473 change 1859
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading 43-0-6 2030
Apr. 13 Speaker signed 2042
Apr. 13 Presented to Governor (4/13) 2051
Apr. 21 Approved by Governor (4/18) 2145

LEGISLATIVE BILL 411. By Transportation Committee

Jan. 5 Title 24
Feb. 25 Speaker priority bill 875
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 411A. By Kristensen

Jan. 5 Title 24
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 414. By Transportation Committee

Jan. 5 Title 25
Jan. 18 Committee AM0475 p. 749, First Session, adopted as amended by Kristensen pending AM0955 p. 1296, First Session. Beutler AM2728 adopted. Advanced for Review 354
Jan. 27 Placed on Select File - AM5631 ..... 522 (printed separate)
Feb. 8 Bernard-Stevens AM3042 printed separate 651
Feb. 17 AM5631 (E & R) adopted. Bernard-Stevens pending AM3042 p. 651 withdrawn. Advanced for Engrossment 781
Feb. 24 Correctly Engrossed. ER7414 change 840
Mar. 2 Final Reading 43-0-6 950
Mar. 2 Speaker signed 962
Mar. 2 Presented to Governor (3/2) 967
Mar. 8 Approved by Governor (3/7) 1015
(Provisions/portions of LB 185 amended into LB 414 by AM2728)

LEGISLATIVE BILL 416. By Will

Jan. 5 Title 25
Jan. 21 Advanced for Review 436
Jan. 27 Placed on Select File 523
Feb. 8 Advanced for Engrossment 635
Feb. 11 Correctly Engrossed 704
Feb. 25 Final Reading 31-0-18 877
Feb. 25 President signed 892
Feb. 28 Presented to Governor (2/25) 901
Mar. 8 Approved by Governor (3/3) 1015

LEGISLATIVE BILL 421. By Transportation Committee

Jan. 5 Title 25
Jan. 12 Kristensen AM2626 printed separate 311
Jan. 20 Kristensen pending AM2626 p. 311 adopted as amended by Wehrbein FA317 and Pirsch FA318. Wickersham AM2788 lost. Advanced for Engrossment 392
Jan. 21 Returned to Select File for Kristensen amendment. Kristensen AM2806 adopted. Advanced for Engrossment 445
Jan. 27 Correctly Engrossed 521
Jan. 27 ER7400 change 522
Feb. 14 Kristensen motion to return to Select File for FA367 withdrawn 717
Feb. 14 Final Reading w/E 44-0-5. President signed 718
Feb. 14 Presented to Governor (2/14) 727
Feb. 16 Approved by Governor (2/15) 749

LEGISLATIVE BILL 422. By Will

Jan. 5 Title 25
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 424. By Byars

Jan. 5 Title 26
Jan. 21 Committee AM0657, p. 1051, First Session, adopted. Advanced for Review 439
Feb. 1 Placed on Select File - AM5641 538
Feb. 8 AM5641 (E & R) adopted. Advanced for Engrossment 636
Feb. 14 Correctly Engrossed 726
Feb. 25 Final Reading 42-0-7 881
Feb. 25 President signed 892
Feb. 28 Presented to Governor (2/25) 901
Mar. 8 Approved by Governor (3/3) 1015

LEGISLATIVE BILL 428. By Withem, Baack, Schimek

Jan. 5 Title 26
Jan. 18 Indefinitely postponed 351

LEGISLATIVE BILL 433. By Horgan, Chambers, Schimek

Jan. 5 Title 27
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 436. By Pirsch, Hohenstein, Rasmussen

Jan. 5 Title 27
Jan. 21 Committee AM0548, p. 787, First Session, adopted. Chambers motion to bracket withdrawn. Advanced for Review 437
Feb. 1 Placed on Select File - AM5635 530
Feb. 24 AM5635 (E & R) adopted. Advanced for Engrossment 857
Feb. 28 Correctly Engrossed 908
Mar. 23 Final Reading 43-0-6 1339
Mar. 23 Speaker signed 1348
Mar. 23 Presented to Governor (3/23) 1353
Mar. 28 Approved by Governor (3/25) 1471

LEGISLATIVE BILL 436A. By Pirsch

Feb. 11 Read first time. Placed on General File 696
Feb. 22 Advanced for Review 788
Feb. 23 Placed on Select File 820
Feb. 24 Advanced for Engrossment 857
Feb. 28 Correctly Engrossed 908
Mar. 23 Final Reading 42-0-7 1340
Mar. 23 Speaker signed 1348
Mar. 23 Presented to Governor (3/23) 1353
Mar. 28 Returned by Governor without approval (3/28) 1472

LEGISLATIVE BILL 438. By Wesely, Bernard-Stevens, Bohlke, Byars, Day, Dierks, Horgan, Rasmussen, Robak, Vrtiska

Jan. 5 Title 27
Jan. 24 Indefinitely postponed 474

LEGISLATIVE BILL 441. By Warner

Jan. 5 Title 28
Jan. 13 Committee AM0364 p. 647, First Session, adopted. Warner pending AM0774 p. 1025, First Session, withdrawn. Advanced for Review 329
Jan. 24 Placed on Select File - AM5621 465
Jan. 27 AM5621 (E & R) adopted. Advanced for Engrossment 520
Feb. 1 Correctly Engrossed 562
Feb. 14 Final Reading 44-0-5 714
Feb. 14 President signed 718
Feb. 14 Presented to Governor (2/14) 727
Feb. 16 Approved by Governor (2/15) 749

LEGISLATIVE BILL 445. By Robinson

Jan. 5 Title 28
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 445A. By Robinson

Jan. 5 Title 28
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 446. By Wickersham, Coordsen

Jan. 5 Title 28
Jan. 18 Placed on General File - Com AM2684 350
(printed separate)
Feb. 17 Wickersham priority bill 782
Mar. 1 Committee AM2684 pending 931
Mar. 1 Wickersham AM3452 to committee AM2684
printed 941
Mar. 2 Committee AM2684 adopted as amended
by Wickersham pending AM3452 p. 941.
Advanced for Review 963
Mar. 9 Placed on Select File - AM5684 1056
Mar. 10 Landis AM3644 printed separate 1120
Mar. 10 Wickersham AM3677 printed 1128
Mar. 15 Wickersham AM3774 to committee AM2684
printed 1238
Mar. 22 Landis name added 1313
Apr. 5 AM5684 (E & R) adopted. Landis pending
AM3644 p. 1120 and Wickersham pending
AM3677 p. 1128 adopted. Passed over 1697
Apr. 5 Wickersham pending AM3774 p. 1238 and
Wickersham-Beutler FA524 adopted.
Advanced for Engrossment 1700
Apr. 11 Correctly Engrossed 1851
Apr. 11 ER7461 change 1852
Apr. 13 Rasmussen motion to suspend rules prevailed.
Final Reading 36-0-13 2017
Apr. 13 President signed 2033
Apr. 13 Presented to Governor (4/13) 2051
Apr. 21 Approved by Governor (4/18) 2145
(Provisions/portions of LB 1043 amended into LB 446 by AM3644)

LEGISLATIVE BILL 446A. By Wickersham

Mar. 14 Read first time. Placed on General File 1196
Mar. 24 Advanced for Review 1396
Mar. 28 Placed on Select File 1495
Apr. 5 Advanced for Engrossment 1700

Apr. 11 Correctly Engrossed 1851
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading 37-0-12 2018
Apr. 13 President signed 2033
Apr. 13 Presented to Governor (4/13) 2051
Apr. 21 Returned by Governor w/o approval (4/18) 2147

LEGISLATIVE BILL 447. By Coordsen

Jan. 5 Title 28
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 449. By Withem

Jan. 5 Title 28
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 450. By Withem

Jan. 5 Title 28
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 451. By Withem

Jan. 5 Title 28
Jan. 21 Committee AM0596, p. 875, First Session, adopted. Advanced for Review 438
Feb. 1 Placed on Select File 535
Feb. 8 Advanced for Engrossment 636
Feb. 11 Correctly Engrossed 704
Feb. 25 Final Reading 33-0-16 878
Feb. 25 President signed 892
Feb. 28 Presented to Governor (2/25) 901
Mar. 8 Approved by Governor (3/3) 1015

LEGISLATIVE BILL 456. By Chambers

Jan. 5 Title 29
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 459. By Horgan

Jan. 5 Title 29
Mar. 8 Indefinitely postponed 1020

LEGISLATIVE BILL 460. By Horgan

Jan. 5 Title 29
Jan. 12 Crosby and Wickersham names added 311

Jan. 20 Crosby AM2637 printed 412
Feb. 17 Crosby pending AM2637 p. 412 adopted. Advanced for Engrossment 779
Feb. 23 Correctly Engrossed 827
Feb. 23 ER7411 change 828
Mar. 2 Final Reading 44-0-5 952
Mar. 2 Speaker signed 962
Mar. 2 Presented to Governor (3/2) 967
Mar. 8 Approved by Governor (3/7) 1015

LEGISLATIVE BILL 461. By Lindsay

Jan. 5 Title 29
Jan. 18 Committee AM0284 p. 639, First Session, adopted as amended by Pedersen FA316. Pedersen pending AM0512 p. 915, First Session, withdrawn. Advanced for Review 343
Jan. 24 Placed on Select File - AM5626 466
Jan. 27 AM5626 (E & R) adopted. Advanced for Engrossment 520
Feb. 1 Correctly Engrossed 562
Feb. 14 Final Reading 44-0-5 714
Feb. 14 President signed 718
Feb. 14 Presented to Governor (2/14) 727
Feb. 16 Approved by Governor (2/15) 749

LEGISLATIVE BILL 463. By Lindsay

Jan. 5 Title 29
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 464. By Lindsay

Jan. 5 Title 29
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 467. By Lindsay

Jan. 5 Title 29
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 469. By Bernard-Stevens

Jan. 5 Title 30
Jan. 24 Indefinitely postponed 474

LEGISLATIVE BILL 473. By Kristensen

Jan. 5 Title 30
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 474. By Hohenstein, Chambers

Jan. 5 Title 30
Mar. 8 Indefinitely postponed 1033

LEGISLATIVE BILL 480. By Natural Resources Committee

Jan. 5 Title 30
Jan. 11 Committee AM0637 p. 936, First Session, adopted. Beutler pending AM1889 p. 2367, First Session, adopted. Advanced for Review 275
Jan. 20 Placed on Select File - AM5608 407
Feb. 25 Speaker priority bill 875
Mar. 31 AM5608 (E & R) adopted. Beutler AM4251 to AM1889 adopted. Chambers motion to indefinitely postpone laid over 1672
Apr. 7 Chambers pending motion p. 1674 withdrawn. Advanced for Engrossment 1798
Apr. 11 Correctly Engrossed. ER7468 change 1861
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading 44-0-5 2041
Apr. 13 Speaker signed 2050
Apr. 14 Presented to Governor (4/13) 2054
Apr. 21 Approved by Governor (4/18) 2145
(Provisions/portions of LB 172 amended into LB 480 by AM1889)
(Provisions/portions of LB 571 amended into LB 480 by AM1889)
(Provisions/portions of LB 1084 amended into LB 480 by AM4251)

LEGISLATIVE BILL 481. By Natural Resources Committee

Jan. 5 Title 30
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 481A. By Beutler

Jan. 5 Title 31
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 482. By Natural Resources Committee

Jan. 5 Title 31
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 488. By Ashford

Jan. 5 Title 31
Jan. 13 Committee AM0281 p. 586, First Session, adopted. Advanced for Review 323
Jan. 21 Placed on Select File - AM5620 444
Jan. 27 AM5620 (E & R) adopted. Advanced for Engrossment 520
Feb. 1 Correctly Engrossed 562
Feb. 14 Final Reading 46-0-3 715
Feb. 14 President signed 718
Feb. 14 Presented to Governor (2/14) 727
Feb. 16 Approved by Governor (2/15) 749

LEGISLATIVE BILL 489. By Will

Jan. 5 Title 31
Jan. 25 Will AM2824 to committee AM0797 printed 493
Feb. 23 Will priority bill 827
Mar. 10 Will AM3647 to committee AM0797 printed 1105
Mar. 22 Hall name added 1325
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 490. By Crosby, Wesely

Jan. 5 Title 31
Jan. 19 Committee AM0478 p. 759, First Session, adopted. Advanced for Review 378
Jan. 27 Placed on Select File - AM5629 (printed separate) 523
Feb. 8 AM5629 (E & R) adopted. Advanced for Engrossment 635
Feb. 11 Correctly Engrossed. ER7405 change 704
Feb. 25 Final Reading 38-0-11 879
Feb. 25 President signed 892
Feb. 28 Presented to Governor (2/25) 901
Mar. 8 Approved by Governor (3/3) 1015

LEGISLATIVE BILL 493. By Wesely, Schimek

Jan. 5 Title 31
Jan. 25 Landis AM2855 to committee AM0838 printed 493
Feb. 25 Speaker priority bill 875
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 495. By Lindsay, Abboud, Baack, Bernard-Stevens, Fisher, Haberman, Hall, Moore

Jan. 5 Title 31
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 496. By Hartnett, Byars, Cudaback, Day, Dierks, Horgan, Lynch, Rasmussen

Jan. 5 Title 32
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 496A. By Hartnett

Jan. 5 Title 32
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 497. By Wesely, Lindsay

Jan. 5 Title 32
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 498. By Wesely

Jan. 5 Title 32
Feb. 22 Wesely AM3312 printed 805
Mar. 11 AM5432 (E & R), First Session, adopted.
Wesely pending AM3312 p. 805 adopted.
Advanced for Engrossment 1149
Mar. 16 Correctly Engrossed. ER7430 change 1253
Mar. 23 Bernard-Stevens motion to return to Select File for FA455 withdrawn 1342
Mar. 23 Final Reading 44-0-5 1343
Mar. 23 Speaker signed 1348
Mar. 23 Presented to Governor (3/23) 1353
Mar. 28 Approved by Governor (3/25) 1471
(Provisions/portions of LB 518 amended into LB 498 by AM3312)

LEGISLATIVE BILL 498A. By Wesely

Jan. 5 Title 33
Mar. 11 Wesely AM3318 adopted.
Advanced for Engrossment 1149
Mar. 16 Correctly Engrossed 1253
Mar. 23 Final Reading 42-0-7 1344
Mar. 23 Speaker signed 1348
Mar. 23 Presented to Governor (3/23) 1353
Mar. 28 Approved by Governor (3/25) 1471

LEGISLATIVE BILL 501. By Day, Schellpeper

Jan. 5 Title 33
Jan. 11 Committee AM0270 p. 647, First Session,

adopted. Advanced for Review 276
Jan. 20 Placed on Select File - AM5612 409
Jan. 25 AM5612 (E & R) adopted.
Advanced for Engrossment 487
Feb. 1 Correctly Engrossed. ER7403 change 555
Feb. 14 Final Reading w/E 45-0-4 716
Feb. 14 President signed 718
Feb. 14 Presented to Governor (2/14) 727
Feb. 16 Approved by Governor (2/15) 749

LEGISLATIVE BILL 503. By Kristensen

Jan. 5 Title 33
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 509. By Lindsay, Ashford, Hohenstein, Kristensen, Will

Jan. 5 Title 33
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 509 amended into LB 903 by AM4022)

LEGISLATIVE BILL 511. By Will, Pedersen

Jan. 5 Title 33
Jan. 11 Committee AM0967 p. 1169, First Session,
adopted. Will pending AM1758 p. 1813,
First Session, withdrawn. Advanced for Review 276
Jan. 11 McKenzie name added 283
Jan. 20 Placed on Select File - AM5613 409
Jan. 26 Robinson AM2875 printed 507
Feb. 8 AM5613 (E & R) adopted. Robinson pending
AM2875 p. 507 lost. Advanced for Engrossment 633
Feb. 10 Correctly Engrossed 688
Feb. 11 Witek AM3137 printed 700
Mar. 8 McKenzie-Will AM3616 printed 1052
Mar. 9 Witek motion to return to Select File
for pending AM3137 p. 700 lost. Will-
McKenzie pending AM3616 p. 1052 withdrawn 1066
Mar. 9 Returned to Select File for Will-McKenzie
amendment. Will-McKenzie FA422 adopted.
Advanced for Reengrossment 1067
Mar. 14 Correctly Reengrossed 1185
Mar. 30 Final Reading 25-19-5 1586
Mar. 30 Speaker signed 1587
Mar. 30 Presented to Governor (3/30) 1601
Apr. 5 Approved by Governor (4/4) 1689

LEGISLATIVE BILL 512. By Elmer

Jan. 5 Title 33
Feb. 1 Indefinitely postponed 564

LEGISLATIVE BILL 513. By Wesely, Robak

Jan. 5 Title 33
Jan. 13 Committee AM0272 p. 578, First Session, adopted. Advanced for Review 318
Jan. 21 Placed on Select File - AM5618 443
Jan. 27 AM5618 (E & R) adopted. Advanced for Engrossment 519
Feb. 1 Correctly Engrossed 562
Apr. 14 Final Reading 42-0-7 2071
Apr. 14 President signed 2091
Apr. 14 Presented to Governor (4/14) 2093
Apr. 21 Approved by Governor (4/19) 2148

LEGISLATIVE BILL 513A. By Wesely, Robak

Jan. 5 Title 33
Jan. 13 Advanced for Review 318
Jan. 21 Placed on Select File - AM5619 444
Jan. 27 AM5619 (E & R) adopted. Advanced for Engrossment 519
Feb. 1 Correctly Engrossed 562
Apr. 14 Final Reading 41-0-8 2072
Apr. 14 President signed 2091
Apr. 14 Presented to Governor (4/14) 2093
Apr. 21 Approved by Governor (4/19) 2148

LEGISLATIVE BILL 515. By Wesely

Jan. 5 Title 34
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 518. By Wesely

Jan. 5 Title 34
Feb. 8 Placed on General File - Com AM2695 620
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 518 amended into LB 498 by AM3312)

LEGISLATIVE BILL 521. By Rasmussen

Jan. 5 Title 34
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 522. By Rasmussen, Crosby

Jan. 5 Title 34
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 522A. By Rasmussen

Jan. 5 Title 34
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 524. By Bohlke, Fisher, Jones

Jan. 5 Title 34
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 525. By Bohlke, Coordsen, Lynch, Schimek

Jan. 5 Title 34
Jan. 12 Will name added 311
Jan. 24 Committee AM0504 p. 759, First Session, adopted. Failed to advance for Review 461
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 528. By Rasmussen, Bernard-Stevens

Jan. 5 Title 34
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 530. By Urban Affairs Committee and Pedersen

Jan. 5 Title 35
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 531. By Rasmussen, Baack, Bernard-Stevens, Bohlke, Hartnett, Hillman, Horgan, Kristensen, Lynch

Jan. 5 Title 35
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 533. By Lynch, Fisher

Jan. 5 Title 35
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 537. By Bromm, Bernard-Stevens

Jan. 5 Title 35
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 542. By Moore

Jan. 5 Title 35
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 548. By Wehrbein

Jan. 5 Title 35
Feb. 8 Indefinitely postponed 639

LEGISLATIVE BILL 551. By Pedersen, Abboud, Avery, Hartnett, Horgan, Lindsay, Lynch, Preister, Will

Jan. 5 Title 35
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 552. By Pedersen, Avery, Schmitt

Jan. 5 Title 35
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 553. By Hartnett

Jan. 5 Title 36
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 558. By Hall, Abboud, Hartnett, Horgan, Lindsay, Wickersham, Will

Jan. 5 Title 36
Mar. 8 Indefinitely postponed 1033

LEGISLATIVE BILL 560. By Schellpeper, Day

Jan. 5 Title 36
Jan. 21 Indefinitely postponed 433

LEGISLATIVE BILL 562. By Schellpeper

Jan. 5 Title 36
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 565. By Warner, Wesely

Jan. 5 Title 36
Jan. 18 Indefinitely postponed 351

LEGISLATIVE BILL 569. By Beutler

Jan. 5 Title 36
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 570. By Beutler

Jan. 5 Title 36
Mar. 11 AM5464 (E & R), First Session, adopted.

Crosby-Robak pending AM1420 p. 1533
and Kristensen pending AM1767 p. 1810,
First Session, withdrawn. Beutler pending
AM2502 p. 2669, First Session,
adopted. Advanced for Engrossment 1150
Mar. 17 Correctly Engrossed. ER7432 change (on file) 1286
Mar. 28 Final Reading 39-0-10 1459
Mar. 28 President signed 1464
Mar. 28 Presented to Governor (3/28) 1470
Mar. 30 Approved by Governor (3/30) 1601

LEGISLATIVE BILL 571. By Beutler

Jan. 5 Title 37
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 571 amended into LB 480 by AM1889)

LEGISLATIVE BILL 574. By Beutler

Jan. 5 Title 37
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 577. By Wickersham

Jan. 5 Title 37
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 580. By Vrtiska

Jan. 5 Title 37
Mar. 2 Indefinitely postponed 966

LEGISLATIVE BILL 584. By Withem

Jan. 5 Title 37
Mar. 9 Indefinitely postponed 1057

LEGISLATIVE BILL 586. By Baack

Jan. 5 Title 37
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 589. By Pedersen, Day, Fisher, Pirsch, Witek

Jan. 5 Title 37
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 594. By Lindsay

Jan. 5 Title 37
Jan. 18 Committee AM0490 p. 758, First Session, adopted. Advanced for Review 357
Jan. 27 Placed on Select File 522
Feb. 17 Advanced for Engrossment 782
Feb. 23 Hall AM3349 printed 829
Feb. 24 Correctly Engrossed 840
Mar. 2 Hall motion to return to Select File lost. McKenzie request for ruling of germaneness ruled out of order 955
Mar. 2 Final Reading 45-0-4 957
Mar. 2 Speaker signed 962
Mar. 2 Presented to Governor (3/2) 967
Mar. 8 Approved by Governor (3/7) 1015

LEGISLATIVE BILL 596. By Janssen, Day, Dierks, Hudkins, Preister, Schimek

Jan. 5 Title 38
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 600. By Elmer, Ashford, Bohlke, Bromm, Day, Fisher, Hillman, Hudkins, Janssen, Jones, Preister, Schmitt, Vrtiska, Wehrbein, Witek

Jan. 5 Title 38
Jan. 13 Committee AM0275 p. 572, First Session, adopted. Chambers motion to indefinitely postpone lost. Advanced for Review 313
Jan. 21 Placed on Select File - AM5614 (printed separate) 440
Feb. 8 Witek AM3040 to AM5614 printed 648
Feb. 8 Witek AM3041 to AM5614 printed 650
Feb. 8 Witek name withdrawn 654
Feb. 17 AM5614 (E & R) adopted. Chambers motion to indefinitely postpone withdrawn. Witek pending AM3040 p. 648 ruled not germane. Witek challenge of Chair lost. Witek pending AM3041 p. 650 withdrawn. Witek motion to suspend rules withdrawn. Bernard-Stevens motion to indefinitely postpone laid over 779
Feb. 17 Chambers FA375 printed 782
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 601. By Bromm, Day, Hohenstein, Janssen, Jones, Pedersen, Preister, Witek, Ashford

Jan. 5 Title 38
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 602. By Bromm, Horgan, Lindsay

Jan. 5 Title 38
Mar. 8 Indefinitely postponed 1020

LEGISLATIVE BILL 603. By Bromm

Jan. 5 Title 38
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 605. By Landis

Jan. 5 Title 38
Feb. 1 Placed on General File - Com AM2785 564
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 605 amended into LB 915 by AM3446)

LEGISLATIVE BILL 607. By Crosby, Bohlke, Lynch, Byars

Jan. 5 Title 39
Jan. 21 Indefinitely postponed 433

LEGISLATIVE BILL 608. By Wesely

Jan. 5 Title 39
Jan. 21 Committee AM0576, p. 807, First Session, adopted. Advanced for Review 437
Feb. 1 Placed on Select File - AM5632 529
Feb. 8 AM5632 (E & R) adopted. Advanced for Engrossment 635
Feb. 11 Correctly Engrossed. ER7407 change 704
Feb. 25 Final Reading w/E 45-0-4 885
Feb. 25 President signed 892
Feb. 28 Presented to Governor (2/25) 901
Mar. 8 Approved by Governor (3/3) 1015

LEGISLATIVE BILL 608A. By Wesely

Jan. 5 Title 39
Jan. 21 Advanced for Review 437
Feb. 1 Placed on Select File - AM5633 529
Feb. 8 AM5633 (E & R) adopted. Advanced for Engrossment 636
Feb. 11 Correctly Engrossed 704
Feb. 25 Final Reading w/E 45-0-4 886
Feb. 25 President signed 892

Feb. 28 Presented to Governor (2/25) 901
Mar. 8 Approved by Governor (3/3) 1015

LEGISLATIVE BILL 611. By Wesely

Jan. 5 Title 39
Jan. 21 Committee AM0634, p. 855, First Session, adopted. Advanced for Review 438
Feb. 1 Placed on Select File - AM5636 531
Feb. 24 AM5636 (E & R) adopted. Advanced for Engrossment 859
Mar. 8 Correctly Engrossed 1014
Mar. 15 Final Reading 39-1-9 1205
Mar. 15 Speaker signed 1210
Mar. 15 Presented to Governor (3/15) 1213
Mar. 16 Approved by Governor (3/15) 1248

LEGISLATIVE BILL 612. By Landis

Jan. 5 Title 39
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 613. By Baack

Jan. 5 Title 39
Feb. 15 Indefinitely postponed 747

LEGISLATIVE BILL 616. By Coordsen

Jan. 5 Title 39
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 618. By Pedersen, Ashford, Lynch, Pirsch

Jan. 5 Title 40
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 619. By Pedersen, Ashford, Hohenstein, Hudkins, Lynch, Pirsch

Jan. 5 Title 40
Jan. 19 Pedersen motion to place on General File laid over 371
Jan. 25 Indefinitely postponed 490

LEGISLATIVE BILL 621. By Warner

Jan. 5 Title 40
Jan. 18 Placed on General File - Com AM2721 350

Feb. 11 Committee AM2721 adopted. Advanced for Review 696
Feb. 16 Placed on Select File - AM5658 754
Feb. 24 AM5658 (E & R) adopted.
Advanced for Engrossment 858
Mar. 1 Correctly Engrossed 936
Mar. 10 Final Reading 38-0-11 1083
Mar. 10 President signed 1110
Mar. 10 Presented to Governor (3/10) 1111
Mar. 16 Approved by Governor (3/15) 1248

LEGISLATIVE BILL 622. By Beutler

Jan. 5 Title 40
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 624. By Beutler

Jan. 5 Title 40
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 628. By Urban Affairs Committee

Jan. 5 Title 40
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 630. By Hartnett, Will

Jan. 5 Title 40
Jan. 21 Committee AM0963, p. 1141, First Session,
adopted. Advanced for Review 439
Feb. 1 Placed on Select File - AM5645 542
Feb. 8 AM5645 (E & R) adopted.
Advanced for Engrossment 636
Feb. 14 Correctly Engrossed. ER7408 change 726
Mar. 8 Will AM3577 printed 1046
Apr. 7 Hartnett AM4433 printed 1815
Apr. 8 Returned to Select File for Will amendment.
Will pending AM3577 p. 1046 adopted.
Advanced for Reengrossment. Returned to
Select File for Hartnett amendment.
Hartnett pending AM4433 p. 1815 adopted.
Advanced for Reengrossment 1823
Apr. 8 Abboud name added 1847
Apr. 11 Correctly Reengrossed 1858
Apr. 11 ER7466 change 1859
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading 43-0-6 2027
Apr. 13 President signed 2033
Apr. 13 Presented to Governor (4/13) 2051

Apr. 21 Approved by Governor (4/18) 2145
(Provisions/portions of LB 1221 amended into LB 630 by AM3577)

LEGISLATIVE BILL 637. By Moore, Bernard-Stevens, Crosby, Hillman, Lynch, Wehrbein

Jan. 5 Title 41
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 637 amended into LB 872 by AM4584)

LEGISLATIVE BILL 639. By Fisher, Horgan

Jan. 5 Title 41
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 640. By Bohlke, Bernard-Stevens, Hillman, Landis, Rasmussen, Schimek, Will

Jan. 5 Title 41
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 640A. By Bohlke

Jan. 5 Title 41
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 642. By Lindsay, Beutler, Bohlke, Lynch, Schimek

Jan. 5 Title 41
Jan. 13 Lindsay AM2610 printed 332
Jan. 19 Committee AM0446 p. 759, First Session, adopted 378
Jan. 24 Lindsay pending AM2610 p. 332 and Chambers FA320 adopted. Advanced for Review 460
Feb. 1 Placed on Select File - AM5640 551
Feb. 8 AM5640 (E & R) adopted. Advanced for Engrossment 636
Feb. 15 Correctly Engrossed 742
Feb. 16 Schellpeper AM3200 printed 757
Feb. 25 Returned to Select File for Schellpeper amendment. Schellpeper pending AM3200 p. 757 adopted. Advanced for Reengrossment 882
Feb. 25 Hall motion to return to Select File for FA381 withdrawn 883
Mar. 8 Correctly Reengrossed 1014
Mar. 15 Final Reading 31-12-6 1205
Mar. 15 Speaker signed 1210

Mar. 15 Presented to Governor (3/15) 1213
Mar. 16 Approved by Governor (3/15) 1248

LEGISLATIVE BILL 642A. By Lindsay

Jan. 5 Title 41
Jan. 24 Advanced for Review 460
Feb. 1 Placed on Select File - AM5646 554
Feb. 8 AM5646 (E & R) adopted.
Advanced for Engrossment 636
Feb. 15 Correctly Engrossed 742
Mar. 15 Final Reading 41-2-6 1206
Mar. 15 Speaker signed 1210
Mar. 15 Presented to Governor (3/15) 1213
Mar. 16 Approved by Governor (3/15) 1248

LEGISLATIVE BILL 644. By Rasmussen, Preister

Jan. 5 Title 41
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 647. By McKenzie, Hall, Schimek, Day

Jan. 5 Title 42
Jan. 24 Committee AM0583 p. 802, First Session,
adopted. Witek FA322 pending 470
Jan. 24 Bernard-Stevens FA323 printed.
Hudkins name added 475
Feb. 8 Bernard-Stevens AM2932 printed 628
Feb. 9 Rasmussen name added 671
Feb. 25 Speaker priority bill 875
Mar. 1 McKenzie AM2851 printed 946
Mar. 3 Witek pending FA322 p. 470, Bernard-
Stevens pending AM2932 p. 628 and
FA323 p. 475 withdrawn. McKenzie
pending AM2851 p. 946 adopted.
Advanced for Review 1006
Mar. 3 Beutler name added 1010
Mar. 11 Placed on Select File - AM5694 1174
Mar. 17 AM5694 (E & R) adopted. McKenzie
AM3825 and AM3850 adopted.
Advanced for Engrossment 1279
Mar. 23 Correctly Engrossed. ER7441 change 1379
Apr. 6 Final Reading 36-0-13 1735
Apr. 6 Speaker signed. Presented to Governor (4/6) 1749
Apr. 6 Rasmussen explanation of vote 1766
Apr. 12 Approved by Governor (4/12) 1938

LEGISLATIVE BILL 647A. By McKenzie

Jan. 5 Title 42
Mar. 3 McKenzie motion to indefinitely postpone prevailed 1006

LEGISLATIVE BILL 648. By McKenzie, Rasmussen

Jan. 5 Title 42
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 649. By Withem

Jan. 5 Title 42
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 651. By Chambers, Hall, Lindsay

Jan. 5 Title 42
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 653. By Hall, Will

Jan. 5 Title 43
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 654. By Hall

Jan. 5 Title 43
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 656. By Robak, Bohlke

Jan. 5 Title 43
Jan. 24 Indefinitely postponed 474

LEGISLATIVE BILL 658. By Withem

Jan. 5 Title 43
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 660. By Withem

Jan. 5 Title 43
Jan. 13 Bohlke AM2724 pending. Lindsay FA313 to AM2724 adopted 318
Jan. 18 Bohlke pending AM2724 p. 318 lost as amended. Advanced for Review 339
Jan. 24 Placed on Select File 465

Feb. 1 Rasmussen AM2883 printed 562
Feb. 17 Schimek motion to indefinitely postpone laid over 781
Feb. 24 Day AM3379 printed 862
Feb. 25 Speaker priority bill 875
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 663. By Moore

Jan. 5 Title 43
Jan. 12 Committee AM0181 p. 572, First Session, adopted as amended by Moore AM2719. Advanced for Review 309
Jan. 20 Placed on Select File - AM5610 411
Jan. 26 Moore AM2869 printed 504
Jan. 27 Moore AM2885 printed 515
Feb. 17 AM5610 (E & R) adopted. Passed over 779
Mar. 11 Moore pending AM2869 p. 504 withdrawn. Moore pending AM2885 p. 515 adopted. Hall AM3714 (on file) withdrawn. Advanced for Engrossment 1150
Mar. 17 Correctly Engrossed 1286
Mar. 28 Final Reading 39-0-10 1460
Mar. 28 President signed 1464
Mar. 28 Presented to Governor (3/28) 1470
Mar. 30 Approved by Governor (3/30) 1591

LEGISLATIVE BILL 665. By Lynch

Jan. 5 Title 43
Jan. 11 Lynch-Lindsay AM2690 printed 280
Feb. 1 Lynch priority bill 528
Feb. 22 Lynch-Lindsay pending AM2690 p. 280 adopted. Advanced for Review 788
Feb. 24 Placed on Select File - AM5675 839
Feb. 28 Lynch AM4030 to AM2690 printed 909
Mar. 8 AM5675 (E & R) adopted. Lynch pending AM4030 p. 909 and Beutler AM3582 adopted. Advanced for Engrossment 1049
Mar. 8 Lindsay name added 1054
Mar. 11 Correctly Engrossed. ER7428 change 1180
Mar. 24 Beutler AM3968 printed 1402
Mar. 29 Lindsay AM3955 printed 1567
Mar. 30 Returned to Select File for Lindsay amendment. Lindsay pending AM3955 p. 1567 adopted. Advanced for Reengrossment. Beutler pending AM3968 p. 1402 withdrawn 1581
Mar. 31 Correctly Reengrossed 1686
Apr. 7 Final Reading w/E 42-0-7.

Speaker signed 1786
Apr. 7 Presented to Governor (4/7) 1789
Apr. 12 Approved by Governor (4/12) 1938

LEGISLATIVE BILL 667. By Hall, Baack, Chambers

Jan. 5 Title 43
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 671. By Landis

Jan. 5 Title 43
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 672. By Schellpeper

Jan. 5 Title 44
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 673. By Schellpeper

Jan. 5 Title 44
Mar. 9 Indefinitely postponed 1057

LEGISLATIVE BILL 676. By Chambers

Jan. 5 Title 44
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 677. By Chambers

Jan. 5 Title 44
Feb. 25 Chambers AM2867 printed 893
Mar. 29 Chambers AM4085 printed separate 1525
Apr. 13 Chambers pending AM2867 p. 893 withdrawn. Returned to Select File for Chambers amendment. Chambers pending AM4085 p. 1525 adopted. Advanced for Reengrossment 1997
Apr. 13 Returned to Select File for Pedersen amendment. Pedersen AM4585 adopted. Advanced for Reengrossment 1998
Apr. 13 Correctly Reengrossed. ER7496 change 2051
Apr. 15 Withem motion to suspend rules prevailed 2096
Apr. 15 Final Reading w/E 41-0-8 2114
Apr. 15 Speaker signed 2116
Apr. 15 Presented to Governor (4/15) 2118
Apr. 21 Approved by Governor (4/20) 2160

LEGISLATIVE BILL 677A. By Chambers

Jan. 5 Title 44
Feb. 25 Chambers AM2655 printed 898
Mar. 30 Chambers AM4214 printed 1613
Mar. 31 Chambers AM4277 printed 1683
Apr. 13 Chambers pending AM2655 p. 898 and AM4214 p. 1613 withdrawn. Returned to Select File for Chambers amendment. Chambers pending AM4277 p. 1683 adopted. Advanced for Reengrossment 1998
Apr. 13 Correctly Reengrossed 2051
Apr. 15 Withem motion to suspend rules prevailed 2096
Apr. 15 Final Reading w/E 41-0-8 2115
Apr. 15 Speaker signed 2116
Apr. 15 Presented to Governor (4/15) 2118
Apr. 21 Approved by Governor (4/20) 2160

LEGISLATIVE BILL 678. By Chambers

Jan. 5 Title 45
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 679. By Hartnett, Hillman, Janssen, Pedersen

Jan. 5 Title 45
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 681. By Wehrbein

Jan. 5 Title 45
Jan. 21 Committee AM0984, p. 1196, First Session, adopted. Advanced for Review 444
Feb. 1 Placed on Select File 548
Feb. 1 Beutler AM2889 printed 562
Feb. 8 Bernard-Stevens AM3005 printed 632
Mar. 11 Beutler pending AM2889 p. 562 and Bernard-Stevens pending AM3005 p. 632 withdrawn. Beutler AM3716 adopted. Advanced for Engrossment 1151
Mar. 17 Correctly Engrossed 1286
Mar. 28 Final Reading 38-0-11 1461
Mar. 28 President signed 1464
Mar. 28 Presented to Governor (3/28) 1470
Mar. 30 Approved by Governor (3/30) 1601

LEGISLATIVE BILL 683. By Warner

Jan. 5 Title 45
Feb. 14 Warner priority bill 727
Feb. 17 Warner AM3181 printed separate 782
Feb. 22 Committee AM1082, p. 1406, First Session, lost. Warner pending AM3181 p. 782 adopted as amended by Warner AM3296. Bohlke-Warner AM3273 adopted. Advanced for Review 788
Feb. 28 Placed on Select File - AM5677 (printed separate) 904
Mar. 3 Warner AM3497 to AM5677 printed 994
Mar. 3 Warner AM3516 to AM3497 printed 1009
Mar. 8 Withem AM3599 to AM5677 printed 1030
Mar. 8 AM5677 (E & R) adopted. Warner pending AM3516 p. 1009 withdrawn. Warner pending AM3497 p. 994 adopted as amended by Warner AM3534. Withem pending AM3599 p. 1030 adopted. Advanced for Engrossment 1051
Mar. 14 Correctly Engrossed. ER7429 change 1185
Mar. 30 Final Reading 43-0-6 1579
Mar. 30 Speaker signed 1587
Mar. 30 Presented to Governor (3/30) 1601
Apr. 5 Approved by Governor (4/4) 1689
(Provisions/portions of LB 954 amended into LB 683 by AM3181)
(Provisions/portions of LB 1063 amended into LB 683 by AM3181)

LEGISLATIVE BILL 684. By Warner

Jan. 5 Title 45
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 687. By Kristensen

Jan. 5 Title 45
Mar. 2 Indefinitely postponed 966

LEGISLATIVE BILL 693. By Crosby

Jan. 5 Title 46
Jan. 13 Advanced for Review 313
Jan. 20 Placed on Select File - AM5611 411
Jan. 25 Schimek FA326 printed 493
Feb. 17 AM5611 (E & R) adopted. Schimek pending FA326 p. 493 withdrawn. Advanced for Engrossment 774
Feb. 23 Correctly Engrossed 813
Mar. 2 Final Reading 45-0-4 952
Mar. 2 Speaker signed 962

Mar. 2 Presented to Governor (3/2) 967
Mar. 8 Approved by Governor (3/7) 1015

LEGISLATIVE BILL 694. By Will, Schellpeper

Jan. 5 Title 46
Feb. 1 General Affairs Committee priority bill 528
Feb. 1 Schellpeper-Will AM2685 and AM2812 printed separate 565
Feb. 4 Committee AM1242 p. 1366, First Session, adopted as amended by Schellpeper-Will pending AM2865 and AM2812 p. 565. Advanced for Review 609
Feb. 11 Placed on Select File - AM5650 (printed separate) 706
Feb. 16 Schellpeper AM3052 to AM5650 printed 757
Feb. 16 Schellpeper AM3110 to AM5650 printed 758
Feb. 16 Schellpeper AM3146 and Kristensen AM3259 to AM5650 printed 759
Feb. 24 Hall AM3362 to AM5650 printed and Bohlke AM3395 printed separate 860
Feb. 25 Robinson AM4004 to AM5650 printed 890
Mar. 8 Pedersen AM4035 printed separate 1022
Mar. 11 Lynch AM3515 to AM5650 printed 1131
Mar. 29 Schellpeper AM4112 to AM5650 printed 1527
Apr. 8 AM5650 (E & R) adopted. Schellpeper pending AM3052, AM3110, and AM3146 pp. 757-759, Schellpeper pending AM4112 p. 1527, Kristensen pending AM3259 p. 759, Hall pending AM3362 p. 860, Bohlke pending AM3395 p. 860, Robinson pending AM4004 p. 890, Pedersen pending AM4035 p. 1022, and Lynch pending AM3515 p. 1131 withdrawn. Schellpeper-Will-Hall-Kristensen AM4432 to AM5650 adopted. Advanced for Engrossment ... 1830
Apr. 11 Correctly Engrossed. ER7475 change 1903
Apr. 14 Final Reading w/E 41-0-8 2065
Apr. 14 President signed 2091
Apr. 14 Presented to Governor (4/14) 2093
Apr. 21 Approved by Governor (4/19) 2149
(Provisions/portions of LB 1070 amended into LB 694 by AM4432)

LEGISLATIVE BILL 694A. By Will

Feb. 15 Read first time. Placed on General File 748
Feb. 22 Advanced for Review 788
Feb. 23 Placed on Select File 821
Apr. 8 Advanced for Engrossment 1833
Apr. 11 Correctly Engrossed 1903

Apr. 14 Final Reading 37-0-12 2067
Apr. 14 President signed 2091
Apr. 14 Presented to Governor (4/14) 2093
Apr. 21 Approved by Governor (4/19) 2149

LEGISLATIVE BILL 695. By Bernard-Stevens

Jan. 5 Title 46
Jan. 21 Committee AM1130 p. 1409, First Session, adopted. Advanced for Review 445
Feb. 1 Placed on Select File - AM5644 551
Feb. 8 Bernard-Stevens AM3043 printed 651
Mar. 11 AM5644 (E & R) adopted. Bernard-Stevens pending AM3043 p. 651 withdrawn. Bernard-Stevens AM3705 adopted. Advanced for Engrossment 1151
Mar. 17 Correctly Engrossed. ER7436 change 1286
Apr. 12 Final Reading 36-9-4 1965
Apr. 12 Speaker signed 1970
Apr. 13 Presented to Governor (4/12) 1982
Apr. 21 Approved by Governor (4/18) 2146
(Provisions/portions of LB 950 amended into LB 695 by AM3705)

LEGISLATIVE BILL 695A. By Bernard-Stevens

Mar. 15 Read first time. Placed on General File 1225
Mar. 28 Advanced for Review 1458
Mar. 29 Placed on Select File 1524
Apr. 6 Advanced for Engrossment 1742
Apr. 7 Correctly Engrossed 1819
Apr. 12 Final Reading 33-12-4 1965
Apr. 12 Speaker signed 1970
Apr. 13 Presented to Governor (4/12) 1982
Apr. 21 Approved by Governor with line-item veto (4/18) 2146
Apr. 21 Message from Secretary of State 2154
Apr. 21 Certificate 2155

LEGISLATIVE BILL 696. By Hall, Baack, Fisher, Horgan, Wickersham, Will

Jan. 5 Title 46
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 698. By Horgan

Jan. 5 Title 46
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 699. By Horgan

Jan. 5 Title 46
Mar. 8 Indefinitely postponed 1020

LEGISLATIVE BILL 705. By Hall

Jan. 5 Title 47
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 705 amended into LB 1066 by AM3685)

LEGISLATIVE BILL 706. By Hall

Jan. 5 Title 47
Mar. 2 Indefinitely postponed 966

LEGISLATIVE BILL 707. By Will, Lindsay, Pirsch, Rasmussen

Jan. 5 Title 47
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 708. By Wehrbein

Jan. 5 Title 47
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 708A. By Wehrbein

Jan. 5 Title 47
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 711. By Byars

Jan. 5 Title 48
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 715. By Withem

Jan. 5 Title 48
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 717. By Chambers, Hall, Horgan, Preister, Will, Abboud

Jan. 5 Title 48
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 718. By Bohlke, Baack, Byars, Coordsen, Fisher, Pedersen, Schellpeper, Vrtiska, Witek

Jan. 5 Title 48
Feb. 2 Placed on General File 574
Feb. 22 Janssen priority bill 797
Mar. 2 Wesely AM3500 printed 985
Mar. 14 Wesely pending AM3500 p. 985 pending 1186
Mar. 14 Wesely pending AM3500 p. 985 lost. Moore motion to reconsider AM3500 prevailed. Wesely reconsidered AM3500 p. 985 adopted. Advanced for Review 1189
Mar. 23 Placed on Select File 1365
Mar. 25 Wesely AM3865 printed 1428
Apr. 7 Attorney General's Opinion #94026 to Hall 1792
Apr. 13 Wesely pending AM3865 p. 1428 lost 1980
Apr. 13 Advanced for Engrossment 1983
Apr. 13 Correctly Engrossed 1993
Apr. 15 Withem motion to suspend rules prevailed 2096
Apr. 15 Wesely motion to return to Select File for FA585 withdrawn. Final Reading 32-10-7 2106
Apr. 15 Speaker signed 2116
Apr. 15 Presented to Governor (4/15) 2118
Apr. 21 Approved by Governor (4/20) 2165

LEGISLATIVE BILL 722. By Cudaback, Bernard-Stevens, Schimek

Jan. 5 Title 48
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 727. By Hartnett

Jan. 5 Title 48
Mar. 2 Placed on General File - Com AM3406 963
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 728. By Hartnett

Jan. 5 Title 49
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 729. By Hartnett

Jan. 5 Title 49
Jan. 18 Indefinitely postponed 351

LEGISLATIVE BILL 730. By Hartnett

Jan. 5 Title 49
Jan. 21 Committee AM0738, p. 980, First Session, pending. Will motion to bracket until

1/24/94 prevailed 438
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 731. By Hartnett

Jan. 5 Title 49
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 733. By Hartnett

Jan. 5 Title 49
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 735. By Beutler

Jan. 5 Title 49
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 736. By Beutler

Jan. 5 Title 49
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 737. By Beutler

Jan. 5 Title 50
Jan. 11 Committee AM0748 p. 1109, First Session, adopted. Advanced for Review 274
Jan. 18 Placed on Select File - AM5603 349
Jan. 20 AM5603 (E & R) adopted. Fisher motion to bracket until 2/17/94 lost 406
Jan. 25 Wickersham AM2838 adopted. Fisher motion to indefinitely postpone withdrawn 482
Jan. 25 Bracketed until 2/1/94 486
Jan. 25 Vrtiska AM2847 to AM0748 printed 493
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 738. By Beutler

Jan. 5 Title 50
Feb. 17 Indefinitely postponed 771
(Provisions/portions of LB 738 amended into LB 1275 by AM3779)

LEGISLATIVE BILL 740. By Wesely, Hall

Jan. 5 Title 50
Jan. 24 Indefinitely postponed 474

LEGISLATIVE BILL 741. By Wesely, Hall

Jan. 5 Title 50
Feb. 3 Hall AM2933 printed 596
Feb. 24 Hall AM3201 printed 844
Apr. 13 Hall pending AM2933 p. 596 and AM3201 p. 844 withdrawn. Returned to Select File for Wesely-Hall amendment. Wesely-Hall AM2631 adopted. Advanced for Reengrossment 2005
Apr. 13 Correctly Reengrossed 2051
Apr. 15 Wesely motion to return to Select File for FA588 withdrawn. Passed over 2124
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 741 amended into LB 1292 by AM4051)

LEGISLATIVE BILL 744. By Fisher, Bohlke, Byars, Coordsen, Pedersen, Schellpeper, Wickersham, Witek

Jan. 5 Title 50
Feb. 17 Indefinitely postponed 771

LEGISLATIVE BILL 747. By Elmer

Jan. 5 Title 50
Jan. 18 Indefinitely postponed 351

LEGISLATIVE BILL 748. By Elmer

Jan. 5 Title 50
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 749. By Fisher, Crosby, Cudaback, Elmer, Hohenstein, Hudkins, Lynch, Pedersen, Pirsch, Schellpeper, Schmitt, Vrtiska, Wehrbein

Jan. 5 Title 50
Mar. 9 Indefinitely postponed 1057

LEGISLATIVE BILL 751. By Beutler

Jan. 5 Title 51
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 753. By Coordsen, Ashford, Elmer, Hohenstein, Pirsch

Jan. 5 Title 51
Feb. 17 Indefinitely postponed 782

LEGISLATIVE BILL 754. By Abboud

Jan. 5 Title 51
Jan. 11 Advanced for Review 275
Jan. 18 Placed on Select File - AM5604 350
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 754A. By Abboud

Jan. 5 Title 51
Jan. 11 Advanced for Review 275
Jan. 18 Placed on Select File - AM5605 350
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 755. By Wickersham

Jan. 5 Title 51
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 758. By Will

Jan. 5 Title 51
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 759. By Landis

Jan. 5 Title 51
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 760. By Lindsay

Jan. 5 Title 52
Jan. 12 Committee AM0196 p. 572, First Session, adopted. Advanced for Review 310
Jan. 20 Placed on Select File 411
Jan. 27 Advanced for Engrossment 519
Feb. 1 Correctly Engrossed 555
Feb. 14 Final Reading 46-0-3 717
Feb. 14 President signed 718
Feb. 14 Presented to Governor (2/14) 727
Feb. 16 Approved by Governor (2/15) 749

LEGISLATIVE BILL 762. By Kristensen, Baack, Crosby, Cudaback, Day, Haberman, Hartnett, Hillman, Lynch, Schellpeper, Warner

Jan. 5 Title 52
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 763. By Will

Jan. 5 Title 53
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 765. By Ashford

Jan. 5 Title 53
Jan. 18 Indefinitely postponed 351

LEGISLATIVE BILL 766. By Ashford

Jan. 5 Title 53
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 769. By Hall, Schellpeper

Jan. 5 Title 53
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 770. By Beutler, Jones

Jan. 5 Title 53
Feb. 11 Indefinitely postponed 700

LEGISLATIVE BILL 771. By Coordsen

Jan. 5 Title 53
Feb. 17 Indefinitely postponed 782

LEGISLATIVE BILL 773. By Beutler, Bromm, Elmer, Jones, Preister

Jan. 5 Title 54
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 776. By Wesely

Jan. 5 Title 54
Jan. 25 Indefinitely postponed 478

LEGISLATIVE BILL 779. By Lindsay

Jan. 5 Title 54
Feb. 15 Judiciary Committee AM3186 printed 747
Feb. 17 Kristensen pending AM1632 p. 1672,
Hudkins pending AM1512 p. 1692 and
AM1511 p. 1693, Landis pending AM1857
p. 1941, and Lindsay pending AM2170

p. 2248, First Session, withdrawn.
Judiciary Committee pending AM3186 p. 747
adopted. Advanced for Engrossment 774
Feb. 23 Correctly Engrossed. ER7410 change 813
Apr. 13 Moore motion to return to Select File
for FA581 pending. Passed over 2016
Apr. 15 Moore pending motion p. 2016 withdrawn.
Warner motion to return to Select
File for FA591 withdrawn.
Failed on Final Reading 19-27-3 2137

LEGISLATIVE BILL 783. By Lindsay, at the request of the Governor

Jan. 5 Title 54
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 786. By Crosby, Schellpeper

Jan. 5 Title 54
Jan. 19 Crosby-Schellpeper AM2738 printed 379
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 787. By Wesely

Jan. 5 Title 54
Jan. 24 Indefinitely postponed 474

LEGISLATIVE BILL 788. By Wesely

Jan. 5 Title 54
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 791. By Abboud, Hartnett, Robak

Jan. 5 Title 55
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 797. By Wesely, Baack, Dierks, Haberman, Hall, Moore, Rasmussen, Schellpeper, Warner, Wehrbein, Will, Bernard-Stevens

Jan. 5 Title 55
Mar. 15 Indefinitely postponed 1225

LEGISLATIVE BILL 817. By Wesely, Byars

Jan. 5 Title 55
Feb. 17 Wesely AM3266 printed separate 784
Feb. 22 Health and Human Services Committee priority bill 803
Feb. 24 Wesely AM4001 printed separate 873
Mar. 23 Wesely AM3975 printed separate 1379
Mar. 28 Beutler name added 1508
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 817 amended into LB 1223 by AM4275)

LEGISLATIVE BILL 817A. By Wesely

Feb. 25 Read first time. Placed on General File 892
Mar. 15 Advanced for Review 1209
Mar. 23 Placed on Select File 1365
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 819. By Health and Human Services Committee

Jan. 5 Title 55
Jan. 21 Committee AM0993 p. 1190, First Session, adopted. Advanced for Review 439
Feb. 1 Placed on Select File - AM5639 (printed separate) 548
Feb. 8 Dierks AM3022 to AM5639 printed 650
Feb. 25 Speaker priority bill 875
Mar. 10 Dierks AM3608 to AM5639 printed 1104
Mar. 11 AM5639 (E & R) adopted. Dierks pending AM3022 p. 650 withdrawn. Dierks pending AM3608 p. 1104 adopted. Advanced for Engrossment 1151
Mar. 17 Correctly Engrossed 1286
Mar. 17 ER7433 change 1287
Mar. 28 Final Reading 41-0-8 1461
Mar. 28 President signed 1464
Mar. 28 Presented to Governor (3/28) 1470
Mar. 30 Approved by Governor (3/30) 1601

LEGISLATIVE BILL 820. By Hall, Baack, Bernard-Stevens, Beutler, Bohlke, Chambers, Coordsen, Haberman, Hartnett, Hillman, Landis, Lynch, Warner, Wesely, Will

Jan. 5 Title 55
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 823. By Wesely

Jan. 5 Title 55
Feb. 22 Wesely AM3268 printed 805
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 825. By Wesely

Jan. 5 Title 56
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 826. By Wesely

Jan. 5 Title 56
Jan. 20 Placed on General File 411
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 826 amended into LB 1224 by AM4049)

LEGISLATIVE BILL 827. By Wesely

Jan. 5 Title 56
Feb. 22 Wesely AM3265 printed separate 804
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 827 amended into LB 1223 by AM4275)

LEGISLATIVE BILL 833. By Nebraska Retirement Systems Committee

Jan. 5 Title 56
Mar. 17 Wickersham AM3773 (on file) printed 1273
Apr. 6 Committee AM2586 p. 2807, First Session, lost. Wickersham pending AM3773 p. 1273 adopted. Advanced for Review 1751
Apr. 11 Placed on Select File 1849
Apr. 11 Wickersham AM4470 to AM3773 printed 1876
Apr. 11 Dierks AM3885 to AM3773 printed 1877
Apr. 12 Wickersham pending AM4470 p. 1876 adopted. Dierks pending AM3885 p. 1877 lost. Advanced for Engrossment 1933
Apr. 13 Correctly Engrossed. ER7491 change 1993
Apr. 15 Withem motion to suspend rules prevailed 2096
Apr. 15 Final Reading w/E 44-0-5 2107
Apr. 15 Speaker signed 2116
Apr. 15 Presented to Governor (4/15) 2118
Apr. 21 Approved by Governor (4/19) 2149

LEGISLATIVE BILL 833A. By Wickersham

Apr. 6 Read first time. Placed on General File 1754
Apr. 11 Advanced for Review 1890

Apr. 11 Placed on Select File 1903
Apr. 12 Wickersham AM4525 adopted.
Advanced for Engrossment 1934
Apr. 13 Correctly Engrossed 1993
Apr. 13 ER7488 change 1994
Apr. 15 Withem motion to suspend rules prevailed 2096
Apr. 15 Final Reading w/E 43-0-6 2108
Apr. 15 Speaker signed 2116
Apr. 15 Presented to Governor (4/15) 2118
Apr. 21 Approved by Governor with line-item veto (4/19) 2149
Apr. 21 Message from Secretary of State. Certificate 2159

LEGISLATIVE BILL 837. By Wesely, Baack, Landis, at the request of the Governor

Jan. 5 Title 57
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 844. By Appropriations Committee

Jan. 5 Title 57
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 846. By Executive Board

Jan. 5 Read first time 156
Jan. 7 Placed on General File 209
Jan. 11 Advanced for Review 268
Jan. 18 Placed on Select File 336
Jan. 20 Advanced for Engrossment 391
Jan. 25 Correctly Engrossed 487
Feb. 3 Final Reading 32-0-17 581
Feb. 3 Speaker signed 592
Feb. 3 Presented to Governor (2/3) 596
Feb. 3 Witek explanation of vote 597
Feb. 8 Approved by Governor (2/8) 626

LEGISLATIVE BILL 847. By Executive Board

Jan. 5 Read first time 156
Jan. 7 Placed on General File 209
Jan. 11 Advanced for Review 268
Jan. 18 Placed on Select File 336
Jan. 20 Advanced for Engrossment 391
Jan. 25 Correctly Engrossed 487
Feb. 3 Final Reading 32-0-17 582
Feb. 3 Speaker signed 592
Feb. 3 Presented to Governor (2/3) 596

Feb. 3 Witek explanation of vote 597
Feb. 8 Approved by Governor (2/8) 626

LEGISLATIVE BILL 848. By Executive Board

Jan. 5 Read first time 156
Jan. 7 Placed on General File 209
Jan. 11 Advanced for Review 268
Jan. 18 Placed on Select File 336
Jan. 20 Advanced for Engrossment 391
Jan. 25 Correctly Engrossed 487
Feb. 3 Final Reading 33-0-16 583
Feb. 3 Speaker signed 592
Feb. 3 Presented to Governor (2/3) 596
Feb. 3 Witek explanation of vote 597
Feb. 8 Approved by Governor (2/8) 626

LEGISLATIVE BILL 849. By Executive Board

Jan. 5 Read first time 156
Jan. 7 Placed on General File 209
Jan. 11 Advanced for Review 268
Jan. 18 Placed on Select File 336
Jan. 20 Advanced for Engrossment 391
Jan. 25 Correctly Engrossed 487
Feb. 3 Final Reading 32-0-17 583
Feb. 3 Speaker signed 592
Feb. 3 Presented to Governor (2/3) 596
Feb. 3 Witek explanation of vote 597
Feb. 8 Approved by Governor (2/8) 626

LEGISLATIVE BILL 850. By Executive Board

Jan. 5 Read first time 157
Jan. 7 Placed on General File 209
Jan. 11 Advanced for Review 269
Jan. 18 Placed on Select File 336
Jan. 20 Advanced for Engrossment 391
Jan. 25 Correctly Engrossed 487
Feb. 3 Final Reading 34-0-15 584
Feb. 3 Speaker signed 592
Feb. 3 Presented to Governor (2/3) 596
Feb. 3 Witek explanation of vote 597
Feb. 8 Approved by Governor (2/8) 626

LEGISLATIVE BILL 851. By Executive Board

Jan. 5 Read first time 157
Jan. 7 Placed on General File 209

Jan. 11 Advanced for Review 269
Jan. 18 Placed on Select File 336
Jan. 20 Advanced for Engrossment 391
Jan. 25 Correctly Engrossed 487
Feb. 3 Final Reading 34-0-15 585
Feb. 3 Speaker signed 592
Feb. 3 Presented to Governor (2/3) 596
Feb. 3 Witek explanation of vote 597
Feb. 8 Approved by Governor (2/8) 626

LEGISLATIVE BILL 852. By Executive Board

Jan. 5 Read first time 157
Jan. 7 Placed on General File 209
Jan. 11 Advanced for Review 269
Jan. 18 Placed on Select File 336
Jan. 20 Advanced for Engrossment 391
Jan. 25 Correctly Engrossed 487
Feb. 3 Final Reading 35-0-14 586
Feb. 3 Speaker signed 592
Feb. 3 Presented to Governor (2/3) 596
Feb. 3 Witek explanation of vote 597
Feb. 8 Approved by Governor (2/8) 626

LEGISLATIVE BILL 853. By Executive Board

Jan. 5 Read first time 157
Jan. 7 Placed on General File 209
Jan. 11 Advanced for Review 269
Jan. 18 Placed on Select File 336
Jan. 20 Advanced for Engrossment 391
Jan. 27 Correctly Engrossed 511
Feb. 3 Final Reading 35-0-14 586
Feb. 3 Speaker signed 592
Feb. 3 Presented to Governor (2/3) 596
Feb. 3 Witek explanation of vote 597
Feb. 8 Approved by Governor (2/8) 626

LEGISLATIVE BILL 854. By Executive Board

Jan. 5 Read first time 157
Jan. 7 Placed on General File 209
Jan. 11 Advanced for Review 269
Jan. 18 Placed on Select File 336
Jan. 20 Advanced for Engrossment 392
Jan. 27 Correctly Engrossed 511
Feb. 3 Final Reading 35-0-14 587
Feb. 3 Speaker signed 592

Feb. 3 Presented to Governor (2/3) 596
Feb. 8 Approved by Governor (2/8) 626

LEGISLATIVE BILL 855. By Executive Board

Jan. 5 Read first time 157
Jan. 7 Placed on General File 209
Jan. 11 Advanced for Review 269
Jan. 18 Placed on Select File 336
Jan. 20 Advanced for Engrossment 392
Jan. 27 Correctly Engrossed 511
Feb. 3 Final Reading 36-0-13 588
Feb. 3 Speaker signed 592
Feb. 3 Presented to Governor (2/3) 596
Feb. 8 Approved by Governor (2/8) 626

LEGISLATIVE BILL 856. By Executive Board

Jan. 5 Read first time 158
Jan. 7 Placed on General File 209
Jan. 11 Advanced for Review 269
Jan. 18 Placed on Select File 336
Jan. 20 Advanced for Engrossment 392
Jan. 27 Correctly Engrossed 511
Feb. 3 Final Reading 35-0-14 588
Feb. 3 Speaker signed 592
Feb. 3 Presented to Governor (2/3) 596
Feb. 8 Approved by Governor (2/8) 626

LEGISLATIVE BILL 857. By Executive Board

Jan. 5 Read first time 158
Jan. 7 Placed on General File 209
Jan. 11 Advanced for Review 269
Jan. 18 Placed on Select File 337
Jan. 20 Advanced for Engrossment 392
Jan. 27 Correctly Engrossed 511
Feb. 3 Final Reading 37-0-12 589
Feb. 3 Speaker signed 592
Feb. 3 Presented to Governor (2/3) 596
Feb. 8 Approved by Governor (2/8) 626

LEGISLATIVE BILL 858. By Executive Board

Jan. 5 Read first time 158
Jan. 7 Placed on General File 209
Jan. 11 Advanced for Review 269
Jan. 18 Placed on Select File - AM5602 344
Jan. 20 AM5602 (E & R) adopted.

Advanced for Engrossment 392
Jan. 27 Correctly Engrossed 511
Feb. 3 Final Reading 38-0-11 590
Feb. 3 Speaker signed 592
Feb. 3 Presented to Governor (2/3) 596
Feb. 8 Approved by Governor (2/8) 626

LEGISLATIVE BILL 859. By Executive Board

Jan. 5 Read first time 158
Jan. 7 Placed on General File 209
Jan. 11 Advanced for Review 269
Jan. 18 Placed on Select File 344
Jan. 20 Advanced for Engrossment 392
Jan. 27 Correctly Engrossed. ER7402 change 511
Feb. 3 Final Reading 38-0-11 591
Feb. 3 Speaker signed 592
Feb. 3 Presented to Governor (2/3) 596
Feb. 8 Approved by Governor (2/8) 626

LEGISLATIVE BILL 860. By Coordsen

Jan. 5 Read first time 158
Jan. 7 Referred to Committee on Natural Resources 209
Feb. 15 Notice of hearing (2/23) 736
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 861. By Lynch

Jan. 5 Read first time 158
Jan. 7 Referred to Committee on Business and Labor 209
Jan. 13 Notice of hearing (1/24) 322
Feb. 2 Placed on General File - Com AM2787 571
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 862. By Lynch

Jan. 5 Read first time 159
Jan. 7 Referred to Committee on Banking, Commerce and Insurance 209
Jan. 24 Notice of hearing (2/1) 475
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 863. By Lynch

Jan. 5 Read first time 159
Jan. 7 Referred to Committee on Education 209
Feb. 1 Notice of hearing (2/22) 556

Mar. 9 Placed on General File - Com AM3278 1073
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 864. By Haberman

Jan. 5 Read first time 159
Jan. 6 Elmer name added 206
Jan. 7 Referred to Committee on Transportation 209
Jan. 13 Notice of hearing (2/1) 327
Feb. 17 Placed on General File - Com AM3216 776
Feb. 25 Speaker priority bill 875
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 865. By Haberman

Jan. 5 Read first time 159
Jan. 7 Referred to Committee on Revenue 209
Jan. 12 Notice of hearing (1/19) 295
Jan. 24 Indefinitely postponed 470

LEGISLATIVE BILL 866. By Haberman

Jan. 5 Read first time 159
Jan. 7 Referred to Committee on Revenue 209
Jan. 13 Notice of hearing (1/20) 327
Feb. 15 Indefinitely postponed 747

LEGISLATIVE BILL 867. By Haberman

Jan. 5 Read first time 159
Jan. 7 Referred to Committee on Banking, Commerce and Insurance 209
Jan. 24 Notice of hearing (2/1) 475
Feb. 9 Indefinitely postponed 659

LEGISLATIVE BILL 868. By Landis

Jan. 5 Read first time 160
Jan. 7 Referred to Committee on Judiciary 209
Jan. 12 Notice of hearing (1/20) 308
Jan. 26 Placed on General File - Com AM2835 502
Feb. 11 Committee AM2835 adopted. Advanced for Review 701
Feb. 17 Placed on Select File 778
Feb. 24 Advanced for Engrossment 858
Mar. 2 Correctly Engrossed. ER7421 change 977
Mar. 11 Final Reading 42-0-7 1138
Mar. 11 President signed 1142
Mar. 11 Presented to Governor (3/11) 1149
Mar. 16 Approved by Governor (3/15) 1248

LEGISLATIVE BILL 869. By Landis, Robak

Jan. 5 Read first time 160
Jan. 7 Referred to Committee on Transportation 209
Jan. 13 Notice of hearing (2/8) 327
Feb. 17 Indefinitely postponed 777

LEGISLATIVE BILL 870. By Landis, Robak

Jan. 5 Read first time 160
Jan. 7 Referred to Committee on Transportation 209
Jan. 13 Notice of hearing (2/8) 327
Feb. 17 Indefinitely postponed 777

LEGISLATIVE BILL 871. By Landis, Crosby

Jan. 5 Read first time 160
Jan. 7 Referred to Committee on Revenue 209
Jan. 13 Notice of hearing (1/26) 327
Feb. 22 Indefinitely postponed 801

LEGISLATIVE BILL 872. By Moore

Jan. 5 Read first time 160
Jan. 7 Referred to Committee on Transportation 209
Jan. 11 Notice of hearing (1/18) 263
Jan. 21 Placed on General File 440
Feb. 4 Advanced for Review 611
Feb. 10 Placed on Select File 686
Feb. 24 Advanced for Engrossment 857
Mar. 1 Correctly Engrossed 928
Mar. 8 Moore AM3576 printed 1026
Apr. 13 Moore pending AM3576 p. 1026 withdrawn.
Returned to Select File for Moore amendment. Moore AM3700 adopted.
Advanced for Reengrossment 1989
Apr. 13 Returned to Select File for Hall amendment.
Hall AM4584 (on file) adopted.
Advanced for Reengrossment 1990
Apr. 13 Correctly Reengrossed. ER7497 change 2051
Apr. 15 Withem motion to suspend rules prevailed 2096
Apr. 15 Final Reading w/E 41-2-6 2124
Apr. 15 President signed 2131
Apr. 15 Presented to Governor (4/15) 2139
Apr. 21 Approved by Governor (4/19) 2149
(Provisions/portions of LB 637 amended into LB 872 by AM4584)

LEGISLATIVE BILL 873. By Moore

Jan. 5 Read first time 161
Jan. 7 Referred to Committee on Transportation 209
Jan. 13 Notice of hearing (1/24) 327
Feb. 17 Indefinitely postponed 777

LEGISLATIVE BILL 874. By Moore, Schimek

Jan. 5 Read first time 161
Jan. 7 Referred to Committee on Government, Military and Veterans Affairs 209
Jan. 12 Notice of hearing (1/19) 307
Jan. 25 Placed on General File 478
Feb. 4 Advanced for Review 612
Feb. 10 Placed on Select File - AM5655 687
Feb. 24 AM5655 (E & R) adopted. Advanced for Engrossment 857
Mar. 1 Correctly Engrossed. ER7420 change 936
Mar. 10 Final Reading 40-0-9 1084
Mar. 10 President signed 1110
Mar. 10 Presented to Governor (3/10) 1111
Mar. 16 Approved by Governor (3/15) 1248

LEGISLATIVE BILL 875. By Warner

Jan. 5 Read first time 161
Jan. 7 Referred to Committee on Revenue 209
Jan. 13 Notice of hearing (1/21) 327
Feb. 8 Indefinitely postponed 637

LEGISLATIVE BILL 876. By Vrtiska, Abboud, Robak

Jan. 5 Read first time 161
Jan. 7 Referred to Committee on Banking, Commerce and Insurance 209
Jan. 11 Notice of hearing (1/18) 271
Jan. 19 Placed on General File 370
Feb. 4 Advanced for Review 610
Feb. 10 Placed on Select File 686
Feb. 24 Advanced for Engrossment 857
Feb. 28 Correctly Engrossed 908
Mar. 10 Final Reading w/E 45-0-4 1095
Mar. 10 President signed 1110
Mar. 10 Presented to Governor (3/10) 1111
Mar. 16 Approved by Governor (3/15) 1248

LEGISLATIVE BILL 877. By Pirsch

Jan. 5 Read first time 161
Jan. 7 Referred to Committee on Banking, Commerce and Insurance 209
Jan. 11 Notice of hearing (1/18) 271
Jan. 19 Placed on General File 370
Feb. 4 Advanced for Review 610
Feb. 10 Placed on Select File 686
Feb. 24 Advanced for Engrossment 857
Feb. 28 Correctly Engrossed 908
Mar. 10 Final Reading 31-0-18 1082
Mar. 10 President signed 1110
Mar. 10 Presented to Governor (3/10) 1111
Mar. 16 Approved by Governor (3/15) 1248

LEGISLATIVE BILL 878. By Pirsch

Jan. 5 Read first time 161
Jan. 7 Referred to Committee on Banking, Commerce and Insurance 209
Jan. 11 Notice of hearing (1/18) 271
Jan. 19 Placed on General File 370
Feb. 4 Advanced for Review 611
Feb. 10 Placed on Select File 686
Feb. 24 Advanced for Engrossment 857
Feb. 28 Correctly Engrossed 908
Mar. 10 Final Reading w/E 43-0-6 1095
Mar. 10 President signed 1110
Mar. 10 Presented to Governor (3/10) 1111
Mar. 16 Approved by Governor (3/15) 1248

LEGISLATIVE BILL 879. By Dierks

Jan. 5 Read first time 162
Jan. 7 Referred to Committee on Revenue 209
Jan. 27 Notice of hearing (2/9) 513
Feb. 28 Indefinitely postponed 909

LEGISLATIVE BILL 880. By Dierks

Jan. 5 Read first time 162
Jan. 7 Referred to Committee on Revenue 209
Jan. 27 Notice of hearing (2/9) 513
Feb. 28 Indefinitely postponed 923
(Provisions/portions of LB 880 amended into LB 901 by AM4019)

LEGISLATIVE BILL 881. By Dierks

Jan. 5 Read first time 162
Jan. 7 Referred to Committee on Education 209

Jan. 11 Notice of hearing (1/24) 280
Feb. 8 Indefinitely postponed 617

LEGISLATIVE BILL 882. By Dierks

Jan. 5 Read first time 162
Jan. 7 Referred to Committee on Agriculture 209
Jan. 10 Notice of hearing (1/18) 259
Feb. 3 Placed on General File - Com AM2802 604
Mar. 17 Committee AM2802 adopted. Advanced for Review ... 1284
Mar. 24 Placed on Select File 1400
Apr. 7 Advanced for Engrossment 1798
Apr. 11 Correctly Engrossed 1858
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading 44-0-5 2030
Apr. 13 Speaker signed 2042
Apr. 13 Presented to Governor (4/13) 2051
Apr. 21 Approved by Governor (4/18) 2145

LEGISLATIVE BILL 883. By Abboud

Jan. 5 Read first time 163
Jan. 7 Referred to Committee on Banking, Commerce and Insurance 209
Jan. 13 Notice of hearing (1/25) 317
Jan. 27 Placed on General File 509
Feb. 11 Advanced for Review 702
Feb. 22 Placed on Select File - AM5667 801
Feb. 24 AM5667 (E & R) adopted. Advanced for Engrossment 859
Mar. 3 Correctly Engrossed. ER7425 change 994
Mar. 15 Final Reading 40-0-9 1202
Mar. 15 Speaker signed 1210
Mar. 15 Presented to Governor (3/15) 1213
Mar. 16 Approved by Governor (3/15) 1248

LEGISLATIVE BILL 883A. By Abboud

Feb. 9 Read first time. Placed on General File 669
Feb. 11 Advanced for Review 702
Feb. 22 Placed on Select File 801
Feb. 24 Advanced for Engrossment 859
Mar. 3 Correctly Engrossed 994
Mar. 15 Final Reading 41-0-8 1203
Mar. 15 Speaker signed 1210
Mar. 15 Presented to Governor (3/15) 1213
Mar. 16 Approved by Governor (3/15) 1248

LEGISLATIVE BILL 884. By Kristensen

Jan. 5 Read first time 163
Jan. 7 Referred to Committee on Banking, Commerce and Insurance 209
Jan. 11 Notice of hearing (1/18) 271
Jan. 19 Placed on General File 370
Feb. 11 Advanced for Review 696
Feb. 23 Placed on Select File - AM5674 814
Feb. 28 Kristensen AM3422 printed separate 919
Mar. 10 Kristensen AM3663 to AM3422 printed 1116
Mar. 11 AM5674 (E & R) adopted. Kristensen pending AM3422 p. 919 adopted as amended by Kristensen pending AM3663 p. 1116. Advanced for Engrossment 1158
Mar. 22 Correctly Engrossed. ER7438 change 1294
Mar. 31 Final Reading w/E 41-0-8 1666
Mar. 31 President signed 1670
Mar. 31 Presented to Governor (3/31) 1672
Apr. 5 Approved by Governor (4/4) 1689

LEGISLATIVE BILL 885. By Kristensen, Warner

Jan. 5 Read first time 163
Jan. 7 Referred to Committee on Revenue 209
Jan. 7 Moore name added 227
Jan. 20 Notice of hearing (1/27) 413
Feb. 22 Placed on General File - Com AM3123 (printed separate) 801
Feb. 23 Haberman priority bill 827
Apr. 6 Committee AM3123 pending 1748
Apr. 6 Committee AM3123 adopted. Advanced for Review ... 1750
Apr. 8 Placed on Select File - AM5740 1842
Apr. 12 AM5740 (E & R) adopted. Passed over 1927
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 885A. By Kristensen

Feb. 28 Read first time. Placed on General File 902
Apr. 6 Advanced for Review 1750
Apr. 6 Kristensen AM4371 printed 1768
Apr. 8 Placed on Select File 1842
Apr. 12 Kristensen pending AM4371 p. 1768 withdrawn. Kristensen AM4466 adopted. Advanced for Engrossment 1927
Apr. 12 Correctly Engrossed 1942
Apr. 14 Rasmussen motion to suspend rules prevailed 2072
Apr. 14 Final Reading w/E 45-0-4 2073
Apr. 14 President signed 2091

Apr. 14 Presented to Governor (4/14) 2093
Apr. 21 Approved by Governor (4/19) 2148

LEGISLATIVE BILL 886. By Kristensen

Jan. 5 Read first time 164
Jan. 7 Referred to Committee on Health and Human Services 209
Jan. 19 Notice of hearing (1/26) 371
Feb. 2 Placed on General File 572
Apr. 6 Advanced for Review 1752
Apr. 11 Placed on Select File - AM5739 1850
Apr. 12 AM5739 (E & R) adopted. Advanced for Engrossment 1935
Apr. 12 Correctly Engrossed 1961
Apr. 14 Rasmussen motion to suspend rules prevailed 2072
Apr. 14 Final Reading 44-0-5 2083
Apr. 14 President signed 2091
Apr. 14 Presented to Governor (4/14) 2093
Apr. 21 Approved by Governor (4/19) 2148

LEGISLATIVE BILL 886A. By Kristensen

Apr. 6 Read first time. Placed on General File 1766
Apr. 11 Advanced for Review 1890
Apr. 11 Placed on Select File 1903
Apr. 12 Advanced for Engrossment 1935
Apr. 12 Correctly Engrossed 1961
Apr. 14 Rasmussen motion to suspend rules prevailed 2072
Apr. 14 Final Reading 40-0-9 2084
Apr. 14 President signed 2091
Apr. 14 Presented to Governor (4/14) 2093
Apr. 21 Approved by Governor (4/19) 2148

LEGISLATIVE BILL 887. By Kristensen

Jan. 5 Read first time 164
Jan. 7 Referred to Committee on Judiciary 209
Feb. 15 Notice of hearing (2/24) 737
Feb. 25 Indefinitely postponed 892

LEGISLATIVE BILL 888. By Kristensen

Jan. 5 Read first time 164
Jan. 7 Referred to Committee on Judiciary 209
Jan. 12 Notice of hearing (1/20) 308
Feb. 8 Placed on General File 620
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 889. By Kristensen

Jan.	5	Read first time	164
Jan.	7	Referred to Committee on Government, Military and Veterans Affairs	209
Jan.	12	Notice of hearing (1/19)	307
Jan.	27	Placed on General File - Com AM2845	508
Feb.	11	Committee AM2845 adopted. Advanced for Review	702
Feb.	17	Placed on Select File	778
Feb.	24	Advanced for Engrossment	858
Mar.	2	Correctly Engrossed	977
Mar.	11	Final Reading 42-0-7	1139
Mar.	11	President signed	1142
Mar.	11	Presented to Governor (3/11)	1149
Mar.	16	Approved by Governor (3/15)	1248

LEGISLATIVE BILL 890. By Kristensen

Jan.	5	Read first time	165
Jan.	7	Referred to Committee on Judiciary	209
Feb.	15	Notice of hearing (2/24)	737
Feb.	25	Indefinitely postponed	892

LEGISLATIVE BILL 891. By Kristensen

Jan.	5	Read first time	165
Jan.	7	Referred to Committee on Judiciary	209
Jan.	12	Notice of hearing (1/19)	308
Apr.	15	Indefinitely postponed	2141

LEGISLATIVE BILL 892. By Kristensen

Jan.	5	Read first time	165
Jan.	7	Referred to Committee on Judiciary	209
Jan.	12	Notice of hearing (1/20)	308
Jan.	25	Placed on General File	487
Feb.	11	Advanced for Review	700
Feb.	17	Placed on Select File	773
Feb.	24	Advanced for Engrossment	858
Mar.	2	Correctly Engrossed	977
Mar.	11	Final Reading 43-0-6	1140
Mar.	11	President signed	1142
Mar.	11	Presented to Governor (3/11)	1149
Mar.	16	Approved by Governor (3/15)	1248

LEGISLATIVE BILL 893. By Kristensen

Jan.	5	Read first time	165
Jan.	7	Referred to Committee on Nebraska	

Retirement Systems 209
Feb. 11 Notice of hearing (2/22) 696
Feb. 23 Notice of hearing (3/2) (Rehearing) 822
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 894. By Kristensen

Jan. 5 Read first time 165
Jan. 7 Referred to Committee on Government, Military and Veterans Affairs 210
Jan. 18 Notice of hearing (1/26) 359
Mar. 2 Indefinitely postponed 966

LEGISLATIVE BILL 895. By Fisher

Jan. 5 Read first time 165
Jan. 7 Referred to Committee on Transportation 210
Jan. 11 Notice of hearing (1/18) 263
Jan. 21 Placed on General File 440
Feb. 4 Advanced for Review 611
Feb. 10 Placed on Select File - AM5653 687
Feb. 24 AM5653 (E & R) adopted. Advanced for Engrossment 857
Mar. 1 Correctly Engrossed. ER7416 change 928
Mar. 10 Final Reading 41-0-8 1085
Mar. 10 President signed 1110
Mar. 10 Presented to Governor (3/10) 1111
Mar. 16 Approved by Governor (3/15) 1248

LEGISLATIVE BILL 896. By Fisher, Coordsen, Vrtiska

Jan. 5 Read first time 166
Jan. 7 Referred to Committee on Natural Resources 210
Jan. 19 Notice of hearing (1/26) 371
Jan. 20 Fisher AM2756 printed 412
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 897. By Fisher

Jan. 5 Read first time 166
Jan. 7 Referred to Committee on Revenue 210
Jan. 13 Notice of hearing (1/21) 327
Jan. 20 Fisher AM2755 printed 412
Feb. 8 Indefinitely postponed 637

LEGISLATIVE BILL 898. By Fisher

Jan. 5 Read first time 166
Jan. 7 Referred to Committee on Judiciary 210

Jan. 12 Notice of hearing (1/20) 308
Jan. 25 Indefinitely postponed 490

LEGISLATIVE BILL 899. By Lindsay

Jan. 5 Read first time 166
Jan. 7 Referred to Committee on Judiciary 210
Jan. 12 Notice of hearing (1/20) 308
Jan. 25 Placed on General File 488
Feb. 11 Advanced for Review 700
Feb. 17 Placed on Select File 773
Feb. 24 Advanced for Engrossment 858
Mar. 1 Correctly Engrossed 936
Mar. 10 Final Reading 41-0-8 1086
Mar. 10 President signed 1110
Mar. 10 Presented to Governor (3/10) 1111
Mar. 16 Approved by Governor (3/15) 1248

LEGISLATIVE BILL 900. By Day

Jan. 5 Read first time 166
Jan. 7 Referred to Committee on Health and Human Services 210
Jan. 26 Notice of hearing (2/2) 504
Feb. 15 Placed on General File - Com AM3158 742
Feb. 25 Speaker priority bill 875
Mar. 11 Committee AM3158 adopted. Advanced for Review ... 1164
Mar. 22 Placed on Select File - AM5707 (printed separate) 1293
Apr. 7 AM5707 (E & R) adopted. Advanced for Engrossment 1797
Apr. 11 Correctly Engrossed 1858
Apr. 11 ER7478 change 1859
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading 46-0-3 2031
Apr. 13 Speaker signed 2042
Apr. 13 Presented to Governor (4/13) 2051
Apr. 15 Approved by Governor (4/15) 2116

LEGISLATIVE BILL 900A. By Day

Feb. 28 Read first time. Placed on General File 908
Mar. 11 Advanced for Review 1164
Mar. 22 Placed on Select File 1293
Apr. 7 Advanced for Engrossment 1797
Apr. 11 Correctly Engrossed 1858
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading 42-0-7 2032
Apr. 13 Speaker signed 2042

Apr. 13 Presented to Governor (4/13) 2051
Apr. 15 Approved by Governor (4/15) 2116

LEGISLATIVE BILL 901. By Kristensen

Jan. 5 Read first time 169
Jan. 7 Referred to Committee on Revenue 210
Jan. 27 Notice of hearing (2/9) 513
Feb. 23 Kristensen priority bill 827
Feb. 28 Placed on General File - Com AM4019 909
(printed separate)
Mar. 22 Pirsch AM3892 to committee AM4019 printed 1308
Mar. 31 Lynch AM4239 to committee AM4019 printed 1671
Apr. 6 Committee AM4019 adopted. Pirsch pending
AM3892 p. 1308 and Lynch pending AM4239
p. 1671 withdrawn. Advanced for Review 1748
Apr. 7 Placed on Select File - AM5736 1812
Apr. 12 AM5736 (E & R) adopted.
Advanced for Engrossment 1927
Apr. 12 Correctly Engrossed 1942
Apr. 14 Rasmussen motion to suspend rules prevailed 2072
Apr. 14 Final Reading w/E 45-0-4 2074
Apr. 14 President signed 2091
Apr. 14 Presented to Governor (4/14) 2093
Apr. 21 Approved by Governor (4/19) 2148
(Provisions/portions of LB 880 amended into LB 901 by AM4019)
(Provisions/portions of LB 931 amended into LB 901 by AM4019)

LEGISLATIVE BILL 902. By Wickersham, Warner

Jan. 5 Read first time 169
Jan. 7 Referred to Committee on Revenue 210
Jan. 20 Notice of hearing (1/27) 413
Feb. 1 Placed on General File - Com AM2903 565
Feb. 17 Engel priority bill 782
Feb. 28 Wickersham AM4021 printed 915
Mar. 2 Committee AM2903 adopted. Wickersham
pending AM4021 p. 915 adopted.
Advanced for Review 968
Mar. 9 Placed on Select File - AM5683 1056
Mar. 10 Wickersham-Engel AM3595 printed 1116
Mar. 15 Wickersham AM3783 printed 1240
Mar. 30 Warner-Kristensen-Schellpeper-Hartnett-
Wickersham-Coordsen-Will-Wesely-Abboud-
Byars-Lynch-Preister-Beutler-Hall-
Pedersen-Crosby-Rasmussen-Schimek
AM4130 printed separate. Warner-Wesely-
Beutler-Pedersen-Hall-Schimek-Crosby

AM4131 to AM4130 printed 1608
Apr. 5 AM5683 (E & R) adopted. Wickersham-Engel pending AM3595 p. 1116 adopted as amended by Bernard-Stevens AM4266. Hall FA523 to Warner et al pending AM4130 adopted 1698
Apr. 5 Warner et al pending AM4130 p. 1608 adopted as amended. Warner et al pending AM4131 p. 1608 and Warner FA525 adopted. Wickersham pending AM3783 p. 1240 withdrawn. Advanced for Engrossment 1699
Apr. 11 Correctly Engrossed 1851
Apr. 11 ER7460 change 1853
Apr. 11 Warner AM4489 printed 1886
Apr. 13 Returned to Select File for Warner amendment. Warner pending AM4489 p. 1886 adopted. Advanced for Reengrossment 1988
Apr. 13 Correctly Reengrossed 2008
Apr. 15 Landis, Wesely, Beutler names added. Withem motion to suspend rules prevailed 2096
Apr. 15 Final Reading w/E 43-0-6 2097
Apr. 15 President signed 2109
Apr. 15 Presented to Governor (4/15) 2117
Apr. 21 Approved by Governor (4/19) 2150
(Provisions/portions of LB 910 amended into LB 902 by AM4130)
(Provisions/portions of LB 924 amended into LB 902 by AM4130)
(Provisions/portions of LB 972 amended into LB 902 by AM4266)
(Provisions/portions of LB 1088 amended into LB 902 by AM3595)

LEGISLATIVE BILL 902A. By Wickersham

Apr. 5 Read first time. Placed on General File 1727
Apr. 7 Advanced for Review 1795
Apr. 11 Placed on Select File 1850
Apr. 11 Wickersham AM4508 printed 1891
Apr. 13 Wickersham pending AM4508 p. 1891 adopted. Advanced for Engrossment 1973
Apr. 13 Correctly Engrossed 1982
Apr. 15 Withem motion to suspend rules prevailed 2096
Apr. 15 Final Reading w/E 42-0-7 2098
Apr. 15 President signed 2109
Apr. 15 Presented to Governor (4/15) 2117
Apr. 21 Approved by Governor (4/19) 2150

LEGISLATIVE BILL 903. By Crosby, Ashford, Hudkins, Lindsay

Jan. 5 Read first time 169
Jan. 7 Referred to Committee on Judiciary 210
Jan. 12 Notice of hearing (1/19) 308
Jan. 13 Lindsay AM2704 printed 331

Jan.	25	Placed on General File - Com AM2834	488
Feb.	22	Crosby priority bill	804
Feb.	28	Lindsay-Crosby AM4022 to committee AM2834 printed	920
Mar.	1	Pedersen AM4023 to committee AM2834 printed	931
Mar.	3	Lindsay-Hartnett-Withem-Robak-Crosby AM3514 to committee AM2834 printed	1003
Mar.	10	Schimek-Lindsay AM3631 to committee AM2834 printed	1109
Mar.	14	Pedersen pending AM4023 p. 931 withdrawn. Lindsay et al pending AM3514 p. 1003 and Schimek-Lindsay pending AM3631 p. 1109 to committee AM2834 adopted. Lindsay-Crosby pending AM4022 p. 920 to committee AM2834 pending	1193
Mar.	15	Lindsay-Crosby pending AM4022 p. 920 to committee AM2834 pending	1209
Mar.	15	Lindsay-Crosby pending AM4022 p. 920 to committee AM2834 adopted. Chambers FA436 withdrawn. Ruling by Chair. Chambers motion to overrule Chair lost	1210
Mar.	15	Beutler FA437, Chambers FA438, FA439, and FA440 lost	1221
Mar.	15	Chambers FA441 lost. Chambers FA442 to committee AM2834 pending	1227
Mar.	15	Chambers pending FA442 p. 1228 lost. Chambers FA443 to committee AM2834 pending	1238
Mar.	22	Chambers pending FA443 p. 1238 lost. Lindsay pending AM2704 p. 331 withdrawn. Chambers FA452 to committee AM2834 adopted. Beutler AM3931 to committee AM2834 pending	1311
Mar.	22	Beutler pending AM3931 p. 1312 lost. Committee AM2834 p. 488 adopted as amended. Advanced for Review	1314
Mar.	22	Kristensen explanation of vote	1321
Mar.	23	Correction	1333
Mar.	24	Beutler AM3964, AM3965, and AM3962 to committee AM2834 printed. Beutler AM3963 to AM3514 printed	1401
Mar.	28	Placed on Select File - AM5729	1490
Apr.	6	Bromm AM4325 printed separate	1747
Apr.	7	Beutler-Coordsen AM4153 to AM5729 printed	1819
Apr.	7	Beutler AM4141 to AM5729 printed	1820
Apr.	13	AM5729 (E & R) adopted. Beutler pending AM3964, AM3965, AM3962, AM3963 p. 1401, Beutler pending AM4141 p. 1820, Beutler-Coordsen pending AM4153 p. 1819, and Bromm pending AM4325 p. 1747 withdrawn. Lindsay-Hartnett-Moore-Withem-Beutler-	

Crosby-Schimek AM4534 adopted. Kristensen AM4550 (on file) adopted as amended by Kristensen FA577. Advanced for Engrossment 1973
Apr. 13 Correctly Engrossed 2051
Apr. 13 ER7495 change 2052
Apr. 15 Withem motion to suspend rules prevailed 2096
Apr. 15 Final Reading w/E 36-9-4 2127
Apr. 15 President signed 2131
Apr. 15 Presented to Governor (4/15) 2139
Apr. 21 Returned by Governor without approval (4/19) 2152
(Provisions/portions of LB 51 amended into LB 903 by AM4550)
(Provisions/portions of LB 509 amended into LB 903 by AM4022)
(Provisions/portions of LB 996 amended into LB 903 by AM3514)
(Provisions/portions of LB 1010 amended into LB 903 by AM3631)
(Provisions/portions of LB 1052 amended into LB 903 by AM2834)
(Provisions/portions of LB 1345 amended into LB 903 by AM4550)

LEGISLATIVE BILL 903A. By Crosby

Feb. 4 Read first time. Placed on General File 614
Mar. 24 Crosby AM3985 adopted. Advanced for Review 1396
Mar. 28 Placed on Select File - AM5727 1494
Apr. 13 AM5727 (E & R) adopted. Bernard-Stevens FA578 lost. Crosby AM4565 adopted. Advanced for Engrossment 1979
Apr. 13 Correctly Engrossed 2051
Apr. 15 Withem motion to suspend rules prevailed 2096
Apr. 15 Final Reading 37-8-4 2129
Apr. 15 President signed 2131
Apr. 15 Presented to Governor (4/15) 2139
Apr. 21 Returned by Governor without approval (4/19) 2152

LEGISLATIVE BILL 904. By Day, Byars, Dierks, Rasmussen

Jan. 5 Read first time 169
Jan. 7 Referred to Committee on Health and Human Services 210
Jan. 19 Notice of hearing (1/27) 371
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 905. By Byars

Jan. 5 Read first time 169
Jan. 6 Coordsen, Cudaback and Jones names added 206
Jan. 7 Referred to Committee on Revenue 210
Jan. 10 McKenzie name added 260
Jan. 12 Bromm name added 311
Jan. 13 Notice of hearing (1/20) 327
Feb. 4 Indefinitely postponed 614

LEGISLATIVE BILL 906. By Hudkins, Bohlke, Jones, Lindsay, Pedersen, Robak, Schimek, Schmitt

Jan.	5	Read first time	170
Jan.	7	Referred to Committee on Judiciary	210
Jan.	12	Notice of hearing (1/21)	308
Feb.	1	Placed on General File	565
Mar.	17	Advanced for Review	1282
Mar.	24	Placed on Select File	1387
Mar.	24	Bromm AM4042 printed	1421
Mar.	25	Hudkins AM3989 printed	1436
Apr.	8	Bromm pending AM4042 p. 1421 withdrawn. Hudkins pending AM3989 p. 1436 adopted. Advanced for Engrossment	1830
Apr.	11	Correctly Engrossed. ER7470 change	1886
Apr.	13	Rasmussen motion to suspend rules prevailed	2017
Apr.	13	Final Reading 46-0-3	2046
Apr.	13	Speaker signed	2050
Apr.	14	Presented to Governor (4/13)	2054
Apr.	21	Approved by Governor (4/18)	2145

LEGISLATIVE BILL 907. By Hudkins, Bohlke, Crosby, Jones, Lindsay, Pedersen, Robak, Schimek, Schmitt

Jan.	5	Read first time	170
Jan.	7	Referred to Committee on Judiciary	210
Jan.	12	Notice of hearing (1/21)	308
Feb.	3	Placed on General File - Com AM2972	597
Feb.	22	Hudkins priority bill	785
Feb.	23	Hudkins AM3177 printed	834
Mar.	2	Committee AM2972 adopted	969
Mar.	2	Hudkins pending AM3177 p. 834 adopted as amended by Chambers FA402. Beutler FA400 and Chambers FA401 lost	973
Mar.	2	Wesely motion to reconsider FA400 withdrawn. Beutler FA403, Hall FA404, Hall FA405, and Chambers FA406 adopted. Advanced for Review	979
Mar.	9	Placed on Select File - AM5682	1056
Mar.	10	Hudkins AM3532 printed	1126
Apr.	5	AM5682 (E & R) adopted. Hudkins pending AM3532 p. 1126 adopted as amended by Chambers FA527. Chambers FA528 withdrawn. Withem motion to indefinitely postpone laid over	1726
Apr.	6	Withem pending motion p. 1726 withdrawn	1766
Apr.	7	Chambers motion to indefinitely postpone	

lost 1795
Apr. 7 Chambers FA537 lost. Hall motion to reconsider FA537 prevailed. Chambers reconsidered FA537 adopted. Advanced for Engrossment 1801
Apr. 11 Correctly Engrossed 1858
Apr. 11 ER7469 change 1859
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading 36-5-8 2033
Apr. 13 Speaker signed 2042
Apr. 13 Presented to Governor (4/13) 2051
Apr. 21 Approved by Governor (4/19) 2149

LEGISLATIVE BILL 908. By Day, Ashford, Avery, Bromm, Crosby, Dierks, Engel, Haberman, Hillman, Hudkins, Janssen, Jones, Lynch, McKenzie, Monen, Pedersen, Preister, Rasmussen, Robak, Schellpeper, Schimek, Schmitt, Vrtiska, Wehrbein, Wickersham, Will

Jan. 5 Read first time 170
Jan. 7 Referred to Committee on Judiciary 210
Jan. 12 Notice of hearing (1/21) 308
Feb. 3 Placed on General File - Com AM2971 597
Feb. 25 Speaker priority bill 875
Mar. 3 Committee AM2971 adopted. Advanced for Review ... 1007
Mar. 3 Abboud name added 1010
Mar. 11 Placed on Select File - AM5695 1179
Mar. 17 AM5695 (E & R) adopted. Advanced for Engrossment 1280
Mar. 23 Correctly Engrossed 1379
Mar. 30 Final Reading 41-0-8 1582
Mar. 30 Speaker signed 1587
Mar. 30 Presented to Governor (3/30) 1601
Apr. 5 Approved by Governor (4/4) 1689

LEGISLATIVE BILL 909. By Wesely, Rasmussen

Jan. 5 Read first time 170
Jan. 7 Referred to Committee on Health and Human Services 210
Jan. 19 Notice of hearing (1/26) 371
Feb. 2 Placed on General File - Com AM2913 572
Feb. 25 Speaker priority bill 875
Mar. 10 Wesely AM3680 printed 1130
Mar. 11 Witek AM3520, AM3519, and AM3521 printed 1146
Mar. 17 Witek pending AM3520 p. 1146 to committee AM2913 pending 1283
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 910. By Warner

Jan.	5	Read first time	171
Jan.	7	Referred to Committee on Revenue	210
Jan.	26	Notice of hearing (2/3)	504
Feb.	8	Placed on General File - Com AM3030	639
Feb.	23	Revenue Committee priority bill	827
Mar.	3	Wesely AM3485 printed separate	999
Mar.	8	Warner AM3605 to AM3485 printed	1043
Mar.	8	Warner AM3604 and AM3606 to committee AM3030 printed	1044
Mar.	23	Warner-Landis-Coordsen-Wickersham-Hartnett-Schellpeper-Kristensen-Will AM3866 printed separate	1353
Apr.	15	Indefinitely postponed	2141

(Provisions/portions of LB 910 amended into LB 902 by AM4130)

LEGISLATIVE BILL 911. By Abboud, Ashford, Dierks, Preister, Schimek, Vrtiska

Jan.	5	Read first time	171
Jan.	7	Referred to Committee on Business and Labor	210
Jan.	13	Notice of hearing (1/24)	322
Feb.	14	Placed on General File - Com AM2990	721
Feb.	22	Business and Labor Committee priority bill	785
Apr.	15	Indefinitely postponed	2141

LEGISLATIVE BILL 912. By Abboud

Jan.	5	Read first time	171
Jan.	7	Referred to Committee on Judiciary	210
Feb.	9	Notice of hearing (2/16)	664
Feb.	22	Placed on General File - Com AM3287	795
Apr.	15	Indefinitely postponed	2141

LEGISLATIVE BILL 913. By Abboud, Bromm, Dierks, Hartnett, Preister, Robinson, Schimek

Jan.	6	Read first time	189
Jan.	10	Referred to Committee on Business and Labor	247
Jan.	13	Notice of hearing (1/24)	322
Jan.	27	Placed on General File	523
Feb.	11	Advanced for Review	704
Feb.	23	Placed on Select File	815
Mar.	11	Advanced for Engrossment	1158
Mar.	22	Correctly Engrossed	1294
Mar.	29	Abboud AM4163 printed	1547
Mar.	31	Returned to Select File for Abboud amendment. Abboud pending AM4163	

p. 1547 adopted. Advanced for Reengrossment 1667
Apr. 5 Correctly Reengrossed 1723
Apr. 8 Final Reading w/E 44-0-5 1827
Apr. 8 President signed 1828
Apr. 8 Presented to Governor (4/8) 1835
Apr. 12 Approved by Governor (4/12) 1938

LEGISLATIVE BILL 914. By Coordsen

Jan. 6 Read first time 190
Jan. 10 Referred to Committee on Education 247
Jan. 11 Notice of hearing (1/18) 280
Jan. 19 Indefinitely postponed 363

LEGISLATIVE BILL 915. By Schellpeper

Jan. 6 Read first time 190
Jan. 10 Referred to Committee on Natural Resources 247
Jan. 20 Notice of hearing (1/27) 412
Feb. 4 Placed on General File - Com AM2984 608
Feb. 23 Schellpeper priority bill 821
Mar. 8 Landis AM3446 printed 1043
Mar. 10 Schellpeper AM3665 printed 1115
Mar. 17 Committee AM2984 lost. Schellpeper pending AM3665 p. 1115 and Landis pending AM3446 p. 1043 adopted. Advanced for Review .. 1284
Mar. 22 Landis name added 1313
Mar. 28 Placed on Select File - AM5728 1449
Apr. 5 AM5728 (E & R) adopted. Advanced for Engrossment 1701
Apr. 7 Correctly Engrossed 1819
Apr. 12 Schellpeper motion to return to Select File for FA576 withdrawn 1961
Apr. 12 Final Reading w/E 43-2-4 1962
Apr. 12 Speaker signed 1970
Apr. 13 Presented to Governor (4/12) 1982
Apr. 21 Approved by Governor (4/18) 2145
(Provisions/portions of LB 605 amended into LB 915 by AM3446)

LEGISLATIVE BILL 916. By Schellpeper

Jan. 6 Read first time 190
Jan. 10 Referred to Committee on Natural Resources 247
Jan. 20 Notice of hearing (1/27) 412
Feb. 8 Placed on General File - Com AM2979 637
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 917. By Elmer

Jan. 6 Read first time 190
Jan. 10 Referred to Committee on Revenue 247
Jan. 12 Notice of hearing (1/19) 296
Jan. 24 Indefinitely postponed 470

LEGISLATIVE BILL 918. By Schmitt

Jan. 6 Read first time 190
Jan. 10 Referred to Committee on Transportation 247
Jan. 11 Notice of hearing (1/18) 263
Jan. 21 Placed on General File 440
Feb. 4 Advanced for Review 611
Feb. 10 Placed on Select File - AM5654 687
Feb. 24 AM5654 (E & R) adopted.
Advanced for Engrossment 857
Mar. 1 Correctly Engrossed 928
Mar. 10 Final Reading 41-0-8 1086
Mar. 10 President signed 1110
Mar. 10 Presented to Governor (3/10) 1111
Mar. 16 Approved by Governor (3/15) 1248

LEGISLATIVE BILL 919. By Schmitt

Jan. 6 Read first time 190
Jan. 10 Referred to Committee on Transportation 247
Jan. 13 Notice of hearing (1/24) 327
Mar. 9 Indefinitely postponed 1057

LEGISLATIVE BILL 920. By Bernard-Stevens

Jan. 6 Read first time 191
Jan. 10 Referred to Committee on Judiciary 247
Jan. 12 Notice of hearing (1/20) 308
Feb. 28 Placed on General File - Com AM3417 918
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 920 amended into LB 1061 by AM3980)

LEGISLATIVE BILL 921. By Day

Jan. 6 Read first time 194
Jan. 10 Referred to Committee on Judiciary 247
Feb. 15 Notice of hearing (2/24) 737
Feb. 25 Placed on General File 892
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 922. By Schmitt, Bohlke, Elmer, Jones, Lynch, Schimek, Witek

Jan. 6 Read first time 194
Jan. 10 Referred to Committee on Government, Military and Veterans Affairs 247
Jan. 18 Notice of hearing (1/26) 359
Jan. 20 Avery name added 432
Jan. 25 Witek name withdrawn 496
Jan. 27 Jones name withdrawn 524
Feb. 1 Elmer name withdrawn 528
Mar. 2 Placed on General File - Com AM3050 964
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 923. By Wickersham, Bromm, Jones, Matzke

Jan. 6 Read first time 194
Jan. 10 Referred to Committee on Education 247
Jan. 11 Notice of hearing (1/18) 280
Jan. 25 Placed on General File - Com AM2837 483
Feb. 9 Beutler AM3067 printed 661
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 924. By Wesely, Abboud, Beutler, Byars, Crosby, Hall, Landis, Lynch, Pedersen, Preister, Rasmussen, Schimek, Will

Jan. 6 Read first time 195
Jan. 10 Referred to Committee on Revenue 247
Jan. 26 Notice of hearing (2/3) 504
Feb. 15 Indefinitely postponed 747
(Provisions/portions of LB 924 amended into LB 902 by AM4130)

LEGISLATIVE BILL 925. By McKenzie

Jan. 6 Read first time 195
Jan. 10 Referred to Committee on Government, Military and Veterans Affairs 247
Jan. 12 Notice of hearing (1/19) 308
Jan. 25 Placed on General File 478
Feb. 4 Advanced for Review 612
Feb. 10 Placed on Select File - AM5657 687
Feb. 24 AM5657 (E & R) adopted. Advanced for Engrossment 857
Mar. 1 Correctly Engrossed 936
Mar. 10 Final Reading 41-0-8 1087
Mar. 10 President signed 1110
Mar. 10 Presented to Governor (3/10) 1111
Mar. 16 Approved by Governor (3/15) 1248

LEGISLATIVE BILL 926. By McKenzie

Jan.	6	Read first time	195
Jan.	10	Referred to Committee on Transportation	247
Jan.	13	Notice of hearing (1/24)	327
Feb.	17	Indefinitely postponed	777

LEGISLATIVE BILL 927. By Ashford, Chambers, Crosby, Day, Rasmussen, Schimek

Jan.	6	Read first time	195
Jan.	10	Referred to Committee on Judiciary	247
Jan.	19	Notice of hearing (1/27)	381
Feb.	10	Indefinitely postponed	681

LEGISLATIVE BILL 928. By Wickersham, Hillman

Jan.	6	Read first time	195
Jan.	10	Referred to Committee on Judiciary	247
Feb.	2	Notice of hearing (2/11)	572
Apr.	15	Indefinitely postponed	2141

LEGISLATIVE BILL 929. By Rasmussen

Jan.	6	Read first time	195
Jan.	10	Referred to Committee on Transportation	247
Jan.	13	Notice of hearing (1/24)	327
Jan.	27	Placed on General File - Com AM2840	513
Feb.	11	Committee AM2840 adopted. Advanced for Review	703
Feb.	22	Placed on Select File	802
Feb.	24	Advanced for Engrossment	859
Mar.	8	Correctly Engrossed	1014
Mar.	15	Final Reading 43-0-6	1207
Mar.	15	Speaker signed	1210
Mar.	15	Presented to Governor (3/15)	1213
Mar.	16	Approved by Governor (3/15)	1248

LEGISLATIVE BILL 930. By Rasmussen, Hall, Will

Jan.	6	Read first time	196
Jan.	10	Referred to Committee on Education	247
Jan.	12	Notice of hearing (1/25)	308
Jan.	25	Monen name added	496
Jan.	26	Placed on General File	498
Feb.	11	Advanced for Review	701
Feb.	17	Placed on Select File - AM5662	773
Feb.	24	AM5662 (E & R) adopted. Advanced for Engrossment	858
Mar.	2	Correctly Engrossed	977
Mar.	11	Final Reading w/E 43-0-6	1141
Mar.	11	President signed	1142

Mar. 11 Presented to Governor (3/11) 1149
Mar. 16 Approved by Governor (3/15) 1248

LEGISLATIVE BILL 931. By Withem, Kristensen

Jan. 6 Read first time 196
Jan. 10 Referred to Committee on Revenue 247
Jan. 26 Notice of hearing (2/4) 504
Feb. 28 Indefinitely postponed 923
(Provisions/portions of LB 931 amended into LB 901 by AM4019)

LEGISLATIVE BILL 932. By Withem, Hartnett

Jan. 6 Read first time 196
Jan. 10 Referred to Committee on General Affairs 247
Jan. 13 Notice of hearing (1/24) 321
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 933. By Agriculture Committee

Jan. 6 Read first time 196
Jan. 10 Referred to Committee on Agriculture 248
Jan. 10 Notice of hearing (1/18) 259
Feb. 3 Placed on General File 604
Feb. 22 Agriculture Committee priority bill 803
Mar. 8 Jones AM3523 printed 1039
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 934. By Agriculture Committee

Jan. 6 Read first time 196
Jan. 10 Referred to Committee on Agriculture 248
Jan. 10 Notice of hearing (1/18) 259
Jan. 19 Placed on General File 381
Jan. 21 Advanced for Review 437
Jan. 27 Placed on Select File 523
Feb. 8 Advanced for Engrossment 635
Feb. 11 Correctly Engrossed 704
Feb. 25 Final Reading 38-0-11 879
Feb. 25 President signed 892
Feb. 28 Presented to Governor (2/25) 901
Mar. 8 Approved by Governor (3/3) 1015

LEGISLATIVE BILL 935. By Crosby, Preister

Jan. 6 Read first time 196
Jan. 10 Referred to Committee on Agriculture 248
Jan. 27 Notice of hearing (2/15) 525

Feb. 23 Placed on General File - Com AM3345 828
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 936. By Crosby, Beutler, Hudkins

Jan. 6 Read first time 197
Jan. 10 Referred to Committee on Judiciary 248
Jan. 12 Notice of hearing (1/21) 308
Feb. 14 Indefinitely postponed 725

LEGISLATIVE BILL 937. By Warner

Jan. 6 Read first time 197
Jan. 10 Referred to Committee on Revenue 248
Jan. 27 Notice of hearing 2/23) 525
Feb. 28 Indefinitely postponed 909

LEGISLATIVE BILL 938. By Warner

Jan. 6 Read first time 197
Jan. 10 Referred to Committee on Revenue 248
Jan. 12 Notice of hearing (1/19) 296
Jan. 21 Placed on General File 440
Feb. 11 Advanced for Review 698
Feb. 17 Placed on Select File 771
Feb. 24 Advanced for Engrossment 858
Mar. 1 Correctly Engrossed 936
Mar. 10 Final Reading 40-0-9 1088
Mar. 10 President signed 1110
Mar. 10 Presented to Governor (3/10) 1111
Mar. 16 Approved by Governor (3/15) 1248

LEGISLATIVE BILL 939. By Bromm, Hudkins, Janssen

Jan. 6 Read first time 197
Jan. 10 Referred to Committee on Revenue 248
Jan. 27 Notice of hearing (2/9) 513
Feb. 28 Indefinitely postponed 923

LEGISLATIVE BILL 940. By Bromm, Janssen, Jones, McKenzie, Vrtiska

Jan. 6 Read first time 197
Jan. 10 Referred to Committee on Natural Resources 248
Jan. 13 Notice of hearing (1/21) 327
Jan. 26 Placed on General File - Com AM2825 502
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 941. By Bromm

Jan. 6 Read first time 197
Jan. 10 Referred to Committee on Natural Resources 248
Jan. 13 Notice of hearing (1/20) 318
Jan. 26 Placed on General File - Com AM2826 502
Feb. 11 Committee AM2826 adopted as amended by Bromm FA366. Advanced for Review 701
Feb. 17 Placed on Select File - AM5665 778
Mar. 10 Bromm AM3691 printed 1127
Mar. 11 AM5665 (E & R) adopted. Bromm pending AM3691 p. 1127 pending 1157
Mar. 11 Chambers FA433 printed 1161
Mar. 17 Bromm pending AM3691 p. 1127 and Bromm-Chambers FA451 adopted. Chambers pending FA433 p. 1161 withdrawn. Advanced for Engrossment 1273
Mar. 23 Correctly Engrossed. ER7440 change 1379
Mar. 30 Final Reading 43-0-6 1583
Mar. 30 Speaker signed 1587
Mar. 30 Presented to Governor (3/30) 1601
Apr. 5 Approved by Governor (4/4) 1689

LEGISLATIVE BILL 942. By Landis

Jan. 6 Read first time 197
Jan. 10 Referred to Committee on Banking, Commerce and Insurance 248
Jan. 13 Notice of hearing (1/24) 317
Jan. 27 Placed on General File 509
Feb. 11 Advanced for Review 702
Feb. 22 Placed on Select File 801
Feb. 23 Landis AM3334 printed 833
Feb. 24 Landis pending AM3334 p. 833 withdrawn. Advanced for Engrossment 859
Mar. 3 Correctly Engrossed 994
Mar. 9 Coordsen AM4006 printed 1061
Apr. 8 Coordsen pending AM4006 p. 1061 withdrawn. Final Reading 39-0-10 1824
Apr. 8 President signed 1828
Apr. 8 Presented to Governor (4/8) 1835
Apr. 12 Approved by Governor (4/12) 1938

LEGISLATIVE BILL 943. By Pedersen

Jan. 6 Read first time 198
Jan. 10 Referred to Committee on Transportation 248
Jan. 13 Notice of hearing (1/25) 327
Jan. 27 Placed on General File 513

Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 943 amended into LB 1061 by AM2872)

LEGISLATIVE BILL 944. By Government, Military and Veterans Affairs Committee, and Beutler, Bromm, Crosby, Preister

Jan. 6 Read first time 200
Jan. 10 Referred to Committee on Government, Military and Veterans Affairs 248
Jan. 18 Notice of hearing (1/27) 359
Jan. 18 Witek name withdrawn 362
Feb. 16 Government, Military and Veterans Affairs Committee priority bill 750
Feb. 22 Bromm priority bill 804
Mar. 2 Placed on General File 963
Mar. 3 Bromm AM3388 printed 1009
Mar. 23 Wesely AM3939 printed 1372
Mar. 23 Wesely AM3692 printed 1375
Apr. 6 Schimek-Withem-Lindsay-Schellpeper-Abboud-Hartnett-Kristensen-Wickersham-Wesely-Hall-Moore-Bohlke AM4219 sustained division of question. Schimek et al FA532 (1) adopted. Bromm AM4189 to FA532 ruled germane and lost. Chambers FA536 withdrawn 1770
Apr. 6 Schimek et al F533 (2) and FA534 (3) adopted. Advanced for Review 1774
Apr. 11 Placed on Select File - AM5742 1863
Apr. 11 Schimek AM4352 printed 1868
Apr. 11 Warner AM4401 (on file) printed 1878
Apr. 11 Beutler AM4408 to AM5742 printed 1885
Apr. 12 AM5742 (E & R) adopted. Bromm pending AM3388 p. 1009, Wesely pending AM3939 p. 1372 and AM3692 p. 1375, Beutler-Wickersham AM4356, and Kristensen FA535 withdrawn. Chambers FA565 pending 1929
Apr. 13 Schimek pending AM4352 p. 1868 and Warner pending AM4401 p. 1878 withdrawn. Beutler pending AM4408 p. 1885 adopted as amended by Schellpeper FA580. Lynch AM4563 pending 2011
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 944A. By Schimek

Mar. 8 Read first time. Placed on General File 1027
Apr. 6 Advanced for Review 1775
Apr. 11 Placed on Select File 1868
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 945. By Abboud, Ashford, Hartnett, Kristensen, Pirsch, Rasmussen, Will, Witek

Jan.	6	Read first time	201
Jan.	10	Referred to Committee on Revenue	248
Jan.	13	Notice of hearing (1/20)	327
Feb.	23	Witek priority bill	826
Mar.	14	Placed on General File - Com AM3292	1191
Mar.	22	Ashford AM3874 printed	1326
Apr.	15	Indefinitely postponed	2141

LEGISLATIVE BILL 946. By Vrtiska, Abboud, Bohlke, Bromm, Byars, Coordsen, Cudaback, Day, Dierks, Elmer, Hillman, Janssen, Jones, Lynch, McKenzie, Moore, Pirsch, Preister, Robak, Robinson, Schellpeper, Schmitt

Jan.	6	Read first time	201
Jan.	10	Referred to Committee on Health and Human Services	248
Jan.	19	Notice of hearing (1/26)	371
Mar.	15	Indefinitely postponed	1225

LEGISLATIVE BILL 947. By Wesely, Schimek, Warner

Jan.	6	Read first time	201
Jan.	10	Referred to Committee on Government, Military and Veterans Affairs	248
Jan.	18	Notice of hearing (1/27)	359
Mar.	2	Indefinitely postponed	966

LEGISLATIVE BILL 948. By Moore

Jan.	7	Read first time	218
Jan.	11	Referred to Committee on Government, Military and Veterans Affairs	261
Jan.	13	Notice of hearing (1/20)	322
Jan.	25	Placed on General File	478
Feb.	4	Advanced for Review	612
Feb.	10	Placed on Select File	687
Feb.	24	Advanced for Engrossment	857
Mar.	1	Correctly Engrossed	936
Mar.	10	Final Reading w/E 40-0-9	1089
Mar.	10	President signed	1110
Mar.	10	Presented to Governor (3/10)	1111
Mar.	16	Approved by Governor (3/15)	1248

LEGISLATIVE BILL 949. By Robinson

Jan. 7 Read first time 218
Jan. 11 Referred to Committee on Natural Resources 262
Feb. 15 Notice of hearing (2/25) 737
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 950. By Bernard-Stevens

Jan. 7 Read first time 218
Jan. 11 Referred to Committee on Agriculture 262
Jan. 13 Notice of hearing (1/25) 331
Feb. 11 Indefinitely postponed 700
(Provisions/portions of LB 950 amended into LB 695 by AM3705)

LEGISLATIVE BILL 951. By Hudkins, Bohlke, Haberman, Jones, Robak, Robinson, Schmitt

Jan. 7 Read first time 219
Jan. 11 Referred to Committee on Judiciary 262
Jan. 12 Notice of hearing (1/21) 308
Feb. 1 Placed on General File 565
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 952. By Hudkins, Bohlke, Haberman, Jones, Robak, Robinson, Schimek, Schmitt

Jan. 7 Read first time 219
Jan. 11 Referred to Committee on Judiciary 262
Jan. 12 Notice of hearing (1/21) 308
Feb. 22 Placed on General File - Com AM3288 797
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 953. By Coordsen, Schmitt, Wickersham

Jan. 7 Read first time 219
Jan. 11 Referred to Committee on Natural Resources 262
Feb. 15 Notice of hearing (2/25) 737
Mar. 17 Placed on General File 1280
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 954. By Warner

Jan. 7 Read first time 219
Jan. 11 Referred to Committee on Education 262
Jan. 11 Notice of hearing (1/24) 280
Jan. 12 Notice of hearing (2/1) (Reset) 308
Feb. 8 Placed on General File 617
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 954 amended into LB 683 by AM3181)

LEGISLATIVE BILL 955. By Beutler

Jan. 7 Read first time 219
Jan. 11 Referred to Committee on Judiciary 262
Jan. 12 Notice of hearing (1/19) 308
Jan. 25 Indefinitely postponed 490

LEGISLATIVE BILL 956. By Schimek, Bohlke, Elmer

Jan. 7 Read first time 220
Jan. 11 Referred to Committee on Banking, Commerce and Insurance 262
Feb. 1 Notice of hearing (2/8) 556
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 957. By Landis

Jan. 7 Read first time 220
Jan. 11 Referred to Committee on Banking, Commerce and Insurance 262
Feb. 3 Notice of hearing (2/14) 595
Feb. 17 Placed on General File - Com AM3206 765
Feb. 22 Moore priority bill 804
Mar. 3 Committee AM3206 adopted. Advanced for Review ... 1001
Mar. 3 Landis AM3482 printed 1007
Mar. 10 Placed on Select File - AM5688 1111
Mar. 17 AM5688 (E & R) adopted. Landis pending pending AM3482 p. 1007 adopted. Advanced for Engrossment 1275
Mar. 23 Correctly Engrossed. ER7442 change 1379
Mar. 31 Final Reading 38-0-11 1668
Mar. 31 President signed 1670
Mar. 31 Presented to Governor (3/31) 1672
Apr. 5 Approved by Governor (4/4) 1689
(Provisions/portions of LB 1009 amended into LB 957 by AM3482)

LEGISLATIVE BILL 958. By Wickersham, Coordsen, Hillman, Janssen, Jones, Matzke

Jan. 7 Read first time 220
Jan. 11 Referred to Committee on Natural Resources 262
Feb. 15 Notice of hearing (2/25) 737
Mar. 17 Placed on General File 1280
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 959. By Coordsen, Byars, Cudaback, Dierks, Elmer, Haberman, Jones, McKenzie, Moore, Schmitt, Vrtiska, Wickersham

Jan. 7 Read first time 220
Jan. 11 Referred to Committee on Revenue 262
Jan. 27 Notice of hearing (2/11) 513
Feb. 22 Indefinitely postponed 801

LEGISLATIVE BILL 960. By Coordsen, Byars, Cudaback, Dierks, Elmer, Haberman, Hudkins, Jones, McKenzie, Schellpeper, Schmitt, Vrtiska, Wehrbein, Wickersham

Jan. 7 Read first time 220
Jan. 11 Referred to Committee on Revenue 262
Jan. 27 Notice of hearing (2/11) 513
Feb. 22 Indefinitely postponed 801

LEGISLATIVE BILL 961. By Coordsen, Byars, Cudaback, Dierks, Elmer, Haberman, Hudkins, Janssen, Jones, McKenzie, Moore, Robinson, Schellpeper, Schmitt, Vrtiska, Wickersham

Jan. 7 Read first time 221
Jan. 11 Referred to Committee on Revenue 262
Jan. 27 Notice of hearing (2/11) 513
Feb. 23 Coordsen priority bill 817
Mar. 14 Placed on General File - Com AM3679 1192
Mar. 16 Committee AM3679 adopted. Advanced for Review ... 1242
Mar. 23 Placed on Select File - AM5712 1366
Mar. 28 Hall AM3932 to AM5712 printed 1480
Apr. 11 AM5712 (E & R) adopted. Hall pending AM3932 p. 1480 adopted. Chambers FA561 pending 1908
Apr. 11 Lindsay FA560 and FA562 printed 1911
Apr. 11 Chambers FA563 to FA561 pending 1912
Apr. 12 Chambers pending FA563 p. 1912 and FA561 p. 1909 lost 1941
Apr. 12 Chambers FA566 withdrawn. Chambers FA567, FA568, and FA569 lost 1943
Apr. 12 Chambers FA570 and FA571, and Lindsay pending FA560 p. 1911 withdrawn. Lindsay request to substitute amendment prevailed. Lindsay pending FA562 p. 1911 withdrawn. Will substitute AM4518 ruled not germane. Will challenge of Chair lost. Beutler request to substitute amendment prevailed. Beutler AM4382 withdrawn. Ashford-Lindsay-Chambers-Coordsen-Wehrbein-Beutler-Bernard-Stevens-Moore-McKenzie substitute AM4541 (on file) pending 1949
Apr. 12 Robinson FA573 to AM4541 adopted. Hall motion to bracket until 4/16/94 withdrawn. Schimek FA574 lost. Lindsay request to

substitute amendment prevailed. Lindsay FA575 withdrawn. Lindsay substitute AM4555 to AM4541 adopted. Coordsen motion to invoke cloture prevailed. Ashford et al pending AM4541 p. 1952 adopted as amended. Advanced for Engrossment 1954
Apr. 13 Correctly Engrossed. ER7494 change 2008
Apr. 15 Withem motion to suspend rules prevailed 2096
Apr. 15 Wesely motion to return to Select File for FA586 withdrawn. Final Reading 38-9-2 2111
Apr. 15 Speaker signed 2116
Apr. 15 Presented to Governor (4/15) 2118
Apr. 21 Approved by Governor (4/19) 2149
(Provisions/portions of LB 984 amended into LB 961 by AM4541)
(Provisions/portions of LB 1151 amended into LB 961 by AM4541)
(Provisions/portions of LB 1301 amended into LB 961 by AM4541)

LEGISLATIVE BILL 962. By McKenzie, Bohlke, Coordsen, Elmer, Hudkins, Wehrbein, Wickersham

Jan. 7 Read first time 221
Jan. 11 Referred to Committee on Natural Resources 262
Jan. 12 Notice of hearing (1/19) 296
Jan. 26 Placed on General File - Com AM2827 502
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 962 amended into LB 981 by AM4039)

LEGISLATIVE BILL 963. By McKenzie, Bohlke, Bromm, Coordsen, Elmer, Hudkins, Matzke, Wehrbein, Wickersham

Jan. 7 Read first time 221
Jan. 11 Referred to Committee on Natural Resources 262
Feb. 15 Notice of hearing (2/24) 737
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 964. By Bromm

Jan. 7 Read first time 221
Jan. 11 Referred to Committee on Transportation 262
Jan. 11 Notice of hearing (1/18) 263
Jan. 21 Placed on General File 440
Feb. 4 Advanced for Review 612
Feb. 10 Placed on Select File 687
Feb. 24 Advanced for Engrossment 857
Mar. 1 Correctly Engrossed. ER7417 change 928
Mar. 10 Final Reading 44-0-5 1089
Mar. 10 President signed 1110
Mar. 10 Presented to Governor (3/10) 1111
Mar. 16 Approved by Governor (3/15) 1248

LEGISLATIVE BILL 965. By Robak, Chambers

Jan.	7	Read first time	221
Jan.	11	Referred to Committee on Judiciary	262
Feb.	9	Notice of hearing (2/16)	664
Feb.	25	Placed on General File	892
Apr.	15	Indefinitely postponed	2141

LEGISLATIVE BILL 966. By Elmer, Bohlke, Janssen, Landis, Lynch, Matzke, McKenzie, Schimek, Schmitt

Jan.	7	Read first time	221
Jan.	11	Referred to Committee on Health and Human Services	262
Jan.	27	Notice of hearing (2/24)	521
Feb.	1	Lynch name withdrawn	567
Feb.	2	Schmitt name withdrawn	575
Feb.	28	Indefinitely postponed	914

LEGISLATIVE BILL 967. By Landis

Jan.	7	Read first time	222
Jan.	11	Referred to Committee on Banking, Commerce and Insurance	262
Jan.	13	Notice of hearing (1/24)	317
Jan.	27	Placed on General File - Com AM2853	509
Feb.	11	Committee AM2853 adopted. Advanced for Review	703
Feb.	22	Placed on Select File - AM5669	802
Feb.	24	AM5669 (E & R) adopted. Advanced for Engrossment	859
Mar.	8	Correctly Engrossed	1014
Mar.	31	Landis-Chambers AM4220 printed	1672
Apr.	8	Returned to Select File for Landis-Chambers amendment. Landis-Chambers pending AM4220 p. 1672 adopted. Advanced for Reengrossment	1825
Apr.	11	Correctly Reengrossed	1858
Apr.	13	Rasmussen motion to suspend rules prevailed	2017
Apr.	13	Final Reading 43-1-5	2028
Apr.	13	President signed	2033
Apr.	13	Presented to Governor (4/13)	2051
Apr.	21	Approved by Governor (4/18)	2145

LEGISLATIVE BILL 968. By Pirsch

Jan.	7	Read first time	222
Jan.	11	Referred to Committee on Judiciary	262
Feb.	9	Notice of hearing (2/17)	664
Feb.	25	Indefinitely postponed	892

LEGISLATIVE BILL 969. By Pirsch

Jan. 7 Read first time 222
Jan. 11 Referred to Committee on Judiciary 262
Feb. 9 Notice of hearing (2/17) 664
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 970. By Lindsay, Schimek

Jan. 7 Read first time 222
Jan. 11 Referred to Committee on Government, Military and Veterans Affairs 262
Jan. 18 Notice of hearing (1/26) 359
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 971. By Lindsay

Jan. 7 Read first time 222
Jan. 11 Referred to Committee on Government, Military and Veterans Affairs 262
Jan. 13 Notice of hearing (1/20) 322
Jan. 20 Fisher name added 431
Jan. 27 Placed on General File - Com AM2846 508
Feb. 11 Committee AM2846 adopted. Advanced for Review 702
Feb. 22 Placed on Select File - AM5666 (printed separate) 801
Feb. 24 AM5666 (E & R) adopted. Advanced for Engrossment 858
Mar. 2 Correctly Engrossed. ER7422 change 977
Apr. 7 Final Reading 42-0-7 1784
Apr. 7 Speaker signed 1786
Apr. 7 Presented to Governor (4/7) 1789
Apr. 12 Approved by Governor (4/12) 1938

LEGISLATIVE BILL 971A. By Lindsay

Mar. 9 Read first time. Placed on General File 1061
Mar. 15 Advanced for Review 1209
Mar. 23 Placed on Select File 1365
Mar. 25 Advanced for Engrossment 1429
Mar. 28 Correctly Engrossed 1500
Apr. 7 Final Reading 43-0-6 1785
Apr. 7 Speaker signed 1786
Apr. 7 Presented to Governor (4/7) 1789
Apr. 12 Approved by Governor (4/12) 1938

LEGISLATIVE BILL 972. By Bernard-Stevens

Jan. 7 Read first time 223
Jan. 10 Dierks name added 260
Jan. 11 Referred to Committee on Revenue 262
Jan. 13 Notice of hearing (1/21) 327
Feb. 1 Placed on General File - Com AM2902 565
Feb. 10 Jones name added 693
Feb. 25 Speaker priority bill 875
Mar. 3 Committee AM2902 lost. Warner AM3508 adopted. Advanced for Review 1006
Mar. 10 Lindsay AM3657 printed 1105
Mar. 11 Placed on Select File 1179
Mar. 16 Lindsay-Bernard-Stevens AM3822 printed 1263
Mar. 17 Lindsay-Bernard-Stevens pending AM3822 p. 1263 lost. Lindsay pending AM3657 p. 1105 pending 1279
Mar. 22 Bernard-Stevens-Lindsay AM3942 printed 1324
Mar. 31 Lindsay pending AM3657 p. 1105 withdrawn. Bernard-Stevens-Lindsay pending AM3942 p. 1324 adopted. Chambers motion to indefinitely postpone pending 1674
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 972 amended into LB 902 by AM4266)

LEGISLATIVE BILL 973. By Robak, Bromm

Jan. 7 Read first time 223
Jan. 11 Referred to Committee on Health and Human Services 262
Jan. 27 Notice of hearing (2/24) 521
Feb. 28 Indefinitely postponed 914

LEGISLATIVE BILL 974. By Kristensen

Jan. 7 Read first time 223
Jan. 11 Referred to Committee on Banking, Commerce and Insurance 262
Jan. 13 Notice of hearing (1/25) 317
Feb. 17 Placed on General File - Com AM3207 766
Feb. 25 Speaker priority bill 875
Mar. 2 Kristensen-Fisher AM3440 printed 986
Mar. 11 Committee AM3207 adopted. Kristensen-Fisher pending AM3440 p. 986 withdrawn. Kristensen AM3710 adopted. Advanced for Review 1164
Mar. 22 Placed on Select File - AM5708 1293
Apr. 7 AM5708 (E & R) adopted. Advanced for Engrossment 1797
Apr. 11 Correctly Engrossed 1851
Apr. 13 Rasmussen motion to suspend rules prevailed 2017

Apr. 13 Final Reading w/E 39-0-10 2019
Apr. 13 President signed 2033
Apr. 13 Presented to Governor (4/13) 2051
Apr. 21 Approved by Governor (4/18) 2145
(Provisions/portions of LB 1141 amended into LB 974 by AM3710)

LEGISLATIVE BILL 974A. By Kristensen

Mar. 17 Read first time. Placed on General File 1288
Mar. 28 Advanced for Review 1458
Mar. 29 Placed on Select File 1524
Apr. 7 Advanced for Engrossment 1798
Apr. 11 Correctly Engrossed 1851
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading 39-0-10 2020
Apr. 13 President signed 2033
Apr. 13 Presented to Governor (4/13) 2051
Apr. 21 Approved by Governor with line-item veto (4/18) 2144
Apr. 21 Message from Secretary of State 2155
Apr. 21 Certificate 2156

LEGISLATIVE BILL 975. By Schimek

Jan. 7 Read first time 223
Jan. 11 Referred to Committee on Natural Resources 262
Feb. 15 Notice of hearing (2/23) 736
Feb. 28 Placed on General File 902
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 976. By Warner

Jan. 7 Read first time 223
Jan. 11 Referred to Committee on Revenue 262
Jan. 13 Notice of hearing (1/26) 327
Feb. 22 Indefinitely postponed 801

LEGISLATIVE BILL 977. By Revenue Committee

Jan. 7 Read first time 223
Jan. 11 Referred to Committee on Revenue 262
Jan. 12 Notice of hearing (1/19) 295
Jan. 24 Placed on General File - Com AM2799 470
(printed separate)
Feb. 3 Warner-Wickersham-Hartnett-Schellpeper-
Will AM2963 printed 596
Feb. 11 Committee AM2799 adopted. Warner et al
pending AM2963 p. 596 adopted.

Advanced for Review 698
Feb. 17 Placed on Select File - AM5661 771
Feb. 24 AM5661 (E & R) adopted.
Advanced for Engrossment 858
Mar. 1 Correctly Engrossed 936
Mar. 1 ER7419 change 937
Mar. 10 Final Reading 45-0-4 1090
Mar. 10 President signed 1110
Mar. 10 Presented to Governor (3/10) 1111
Mar. 16 Approved by Governor (3/16) 1250

LEGISLATIVE BILL 978. By Landis

Jan. 7 Read first time 224
Jan. 11 Referred to Committee on Banking,
Commerce and Insurance 262
Jan. 11 Notice of hearing (1/18) 271
Jan. 19 Placed on General File - Com AM2762 371
Feb. 4 Committee AM2762 adopted.
Advanced for Review 611
Feb. 10 Placed on Select File - AM5656 686
Feb. 24 AM5656 (E & R) adopted.
Advanced for Engrossment 857
Mar. 1 Correctly Engrossed 928
Mar. 10 Final Reading 45-0-4 1091
Mar. 10 President signed 1110
Mar. 10 Presented to Governor (3/10) 1111
Mar. 16 Approved by Governor (3/15) 1248

LEGISLATIVE BILL 979. By Landis

Jan. 7 Read first time 224
Jan. 11 Referred to Committee on Banking,
Commerce and Insurance 262
Jan. 13 Notice of hearing (1/24) 317
Jan. 24 Hartnett name added 475
Jan. 27 Placed on General File 523
Feb. 11 Advanced for Review 704
Feb. 23 Placed on Select File - AM5671 815
Mar. 9 Landis AM3611 (on file) printed 1080
Mar. 11 AM5671 (E & R) adopted. Landis
pending AM3611 p. 1080 adopted.
Advanced for Engrossment 1158
Mar. 22 Correctly Engrossed 1294
Mar. 22 ER7434 change 1295
Mar. 31 Final Reading w/E 41-0-8 1667
Mar. 31 President signed 1670
Mar. 31 Presented to Governor (3/31) 1672
Apr. 5 Approved by Governor (4/4) 1689

(Provisions/portions of LB 219 amended into LB 979 by AM3611)
(Provisions/portions of LB 980 amended into LB 979 by AM3611)
(Provisions/portions of LB 1067 amended into LB 979 by AM3611)

LEGISLATIVE BILL 980. By Landis

Jan. 7 Read first time 225
Jan. 11 Referred to Committee on Banking, Commerce and Insurance 262
Jan. 13 Notice of hearing (1/24) 317
Jan. 27 Placed on General File 509
Feb. 11 Advanced for Review 703
Feb. 22 Placed on Select File - AM5668 802
Feb. 24 AM5668 (E & R) adopted. Advanced for Engrossment 859
Mar. 3 Correctly Engrossed 994
Mar. 15 Final Reading 42-0-7 1204
Mar. 15 Speaker signed 1210
Mar. 15 Presented to Governor (3/15) 1213
Mar. 16 Approved by Governor (3/15) 1248
(Provisions/portions of LB 980 amended into LB 979 by AM3611)

LEGISLATIVE BILL 981. By Beutler

Jan. 7 Read first time 225
Jan. 11 Referred to Committee on Natural Resources 262
Jan. 13 Notice of hearing (1/20) 318
Feb. 2 Natural Resources Committee priority bill 575
Mar. 2 Placed on General File - Com AM4039 (printed separate) 958
Mar. 11 Committee AM4039 adopted. Advanced for Review ... 1163
Mar. 22 Placed on Select File - AM5711 1291
Mar. 31 Beutler AM4259 printed 1677
Apr. 7 AM5711 (E & R) adopted. Beutler pending AM4259 p. 1677 withdrawn. Advanced for Engrossment 1799
Apr. 11 Correctly Engrossed 1858
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading w/E 38-0-11 2034
Apr. 13 Speaker signed 2042
Apr. 13 Presented to Governor (4/13) 2051
Apr. 21 Approved by Governor (4/18) 2145
(Provisions/portions of LB 962 amended into LB 981 by AM4039)

LEGISLATIVE BILL 981A. By Beutler

Mar. 11 Read first time. Placed on General File 1179
Mar. 15 Advanced for Review 1209
Mar. 23 Placed on Select File 1365
Apr. 7 Advanced for Engrossment 1799

Apr. 11 Correctly Engrossed 1858
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading w/E 36-0-13 2035
Apr. 13 Speaker signed 2042
Apr. 13 Presented to Governor (4/13) 2051
Apr. 21 Approved by Governor (4/18) 2145

LEGISLATIVE BILL 982. By Elmer, Schmitt

Jan. 7 Read first time 225
Jan. 11 Referred to Committee on Transportation 262
Jan. 13 Notice of hearing (1/24) 327
Feb. 17 Placed on General File 776
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 982A. By Elmer

Mar. 1 Read first time. Placed on General File 933
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 983. By Wesely, Hall

Jan. 7 Read first time 229
Jan. 11 Referred to Committee on Revenue 262
Jan. 27 Notice of hearing (2/23) 525
Feb. 28 Indefinitely postponed 909

LEGISLATIVE BILL 984. By Wehrbein, Coordsen, McKenzie, Robinson, Vrtiska

Jan. 7 Read first time 229
Jan. 11 Referred to Committee on Revenue 262
Jan. 13 Wehrbein priority bill 326
Jan. 19 Bohlke name added 388
Jan. 27 Notice of hearing (2/10) 513
Feb. 28 Placed on General File - Com AM3408 (printed separate) 909
Mar. 8 Hall AM3540, AM3542, AM3541, and AM3543 to committee AM3408 printed 1023
Mar. 8 McKenzie-Wehrbein AM3603 to committee AM3408 printed 1053
Mar. 9 McKenzie-Wehrbein pending AM3603 p. 1053 withdrawn. Hall point of order. Wehrbein AM3640 to committee AM3408 sustained division of question. Wehrbein FA424, FA425, and FA426 to committee AM3408 adopted 1076
Mar. 10 Hall pending AM3540 and AM3543 p. 1023 withdrawn. Hall pending AM3542 p. 1023

adopted. Hall pending AM3541 p. 1023 lost 1097
Mar. 10 Warner AM3664 to committee AM3408 printed 1110
Mar. 10 Chambers FA427 to committee AM3408 printed 1120
Mar. 10 Beutler AM3660 to committee AM3408 sustained division of question. Beutler FA428 and FA429 lost. Hall AM3693 to committee AM3408 pending 1123
Mar. 16 Warner AM3821 to committee AM3408 printed 1262
Mar. 22 Committee AM3408 adopted as amended by Warner pending AM3821 p. 1262 and Wehrbein AM3889. Warner pending AM3664 p. 1110, Hall pending AM3693 p. 1125, and Chambers pending FA427 p. 1120 withdrawn. Beutler AM3917 lost. Advanced for Review 1306
Mar. 22 Withem AM3760 to committee AM3408 printed 1308
Mar. 22 Kristensen explanation of vote 1321
Mar. 25 Attorney General's Opinion #94023 to Robinson 1445
Mar. 28 Placed on Select File - AM5724 1452
Mar. 31 McKenzie-Robak-Bohlke-Wehrbein-Hall AM4217 to AM5724 printed 1684
Apr. 5 Ashford AM4267 printed 1690
Apr. 5 Kristensen AM4243 to AM4217 printed 1705
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 984 amended into LB 961 by AM4541)

LEGISLATIVE BILL 984A. By Wehrbein

Mar. 25 Read first time. Placed on General File 1447
Apr. 7 Advanced for Review 1795
Apr. 11 Placed on Select File 1850
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 985. By Wehrbein, Coordsen

Jan. 7 Read first time 229
Jan. 11 Referred to Committee on Natural Resources 262
Feb. 15 Notice of hearing (2/24) 737
Mar. 22 Placed on General File - Com AM3860 1313
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 985 amended into LB 1207 by AM3984)

LEGISLATIVE BILL 986. By Bernard-Stevens, Ashford

Jan. 7 Read first time 229
Jan. 11 Referred to Committee on Natural Resources 262
Jan. 19 Notice of hearing (1/26) 371
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 987. By Withem, Bohlke

Jan. 7 Read first time 230
Jan. 11 Referred to Committee on Education 262
Jan. 11 Notice of hearing (1/18) 280
Jan. 19 Placed on General File 363
Jan. 21 Advanced for Review 437
Feb. 1 Placed on Select File 529
Feb. 8 Withem-Bohlke AM2996 printed 644
Feb. 25 Speaker priority bill 875
Mar. 11 Bohlke-Withem pending AM2996 p. 644 adopted. Advanced for Engrossment 1150
Mar. 17 Correctly Engrossed 1286
Mar. 17 ER7431 change 1287
Mar. 28 Final Reading 40-0-9 1462
Mar. 28 President signed 1464
Mar. 28 Presented to Governor (3/28) 1470
Mar. 30 Approved by Governor (3/30) 1601

LEGISLATIVE BILL 988. By Lindsay, Abboud, Ashford, Avery, Bernard-Stevens, Beutler, Bromm, Byars, Cudaback, Day, Engel, Hillman, Hudkins, Janssen, Matzke, Monen, Pirsch, Rasmussen, Robak, Schmitt, Vrtiska, Wehrbein, Wesely, Wickersham, Withem, at the request of the Governor

Jan. 7 Read first time 230
Jan. 11 Referred to Committee on Judiciary 262
Jan. 12 Notice of hearing (1/19) 308
Jan. 24 Bernard-Stevens priority bill 451
Jan. 27 Placed on General File 523
Feb. 1 Lindsay-Bernard-Stevens AM2864, as amended by Ashford substitute FA330, sustained a division of question. Ashford request to substitute amendment prevailed. Ashford FA329 p. 558 withdrawn. Lindsay-Bernard-Stevens FA332 (1st) and FA335 (2nd) adopted). Lindsay-Bernard-Stevens FA331 (3rd) pending 556
Feb. 1 Chambers FA336 to FA331 lost. Schellpeper FA337 to FA331 pending 562
Feb. 1 Beutler FA341 to FA331 printed 566
Feb. 1 Beutler FA338 and FA339 printed. Chambers FA340 to FA334 printed 567
Feb. 2 Schellpeper pending FA337 p. 564 adopted 570
Feb. 2 Wehrbein motion to bracket until 2/9/94 lost. Lindsay-Bernard-Stevens pending FA331 (3rd) p. 559 adopted as amended by Chambers FA342 and Lindsay FA344. Beutler pending FA341 p. 566, FA338 p. 567,

and Chambers FA343 withdrawn 573
Feb. 3 Lindsay-Bernard-Stevens pending FA333 (4th) adopted as amended by Lindsay-Chambers-Schellpeper-Robak FA345. Lindsay-Bernard-Stevens pending FA334 (5th) adopted as amended by Chambers pending FA340 p. 567. Chambers motion to indefinitely postpone withdrawn. Passed over 592
Feb. 4 Failed to advance for Review 606
Feb. 4 Chambers FA348 and FA349 printed 615
Feb. 9 Chambers pending FA348 p. 615 adopted as amended by Chambers FA353. Chambers pending FA349 p. 615 adopted. Chambers FA354 pending ... 656
Feb. 9 Chambers pending FA354 p. 657 and Lindsay AM3089 adopted. Ashford FA355 and Chambers FA356 withdrawn 657
Feb. 9 Chambers FA357 and FA358, and Bernard-Stevens AM3012 adopted 665
Feb. 9 Chambers FA359 printed 668
Feb. 10 Bernard-Stevens FA360 and Chambers pending FA359 p. 668 adopted. Lindsay AM3122 adopted as amended by Lindsay FA361 and FA364, and Chambers FA363 and FA365. Ashford FA362 lost. Robak motion to bracket until 2/17/94 lost 676
Feb. 10 Advanced for Review 688
Feb. 10 Pedersen AM3126 printed 693
Feb. 11 Preister name added 707
Feb. 16 Placed on Select File - AM5659 754
(printed separate)
Feb. 17 Pedersen-Chambers AM3254 to AM5659 printed 783
Feb. 22 Chambers AM3289 to AM5659 printed 798
Feb. 23 Avery-Ashford-Robak AM3313 to AM5659 printed 835
Feb. 24 AM5659 (E & R) adopted. Pedersen pending AM3126 p. 693 withdrawn. Pedersen-Chambers pending AM3254 p. 783 adopted 841
Feb. 24 Chambers request to substitute amendment prevailed. Chambers pending AM3289 p. 798 withdrawn. Chambers substitute AM3370 adopted. Avery request to substitute amendment prevailed. Avery-Ashford-Robak pending AM3313 p. 835 withdrawn. Hall-Avery-Pedersen-Hillman substitute AM3391 adopted. Beutler pending FA339 p. 567 withdrawn. Bernard-Stevens AM3386, Lindsay AM3371, and Chambers FA379 adopted. Avery AM4007 pending 850
Feb. 24 Ashford FA380 printed 873

Feb. 28 Avery AM3409 to AM4007 printed 919
Mar. 1 Avery pending AM3409 p. 919 and AM4007 p. 855, and Abboud AM3438 lost. Ashford pending FA380 p. 873 and Preister AM3447 withdrawn. Chambers FA392 and Beutler AM4020 to AM5659 adopted 933
Mar. 1 Bernard-Stevens FA393 adopted. Witek motion to bracket until 3/8/94 withdrawn 938
Mar. 1 Kristensen AM3457 and Cudaback FA394 withdrawn. Kristensen request to substitute amendment prevailed. Kristensen AM3448 withdrawn. Kristensen-Lindsay substitute FA395 adopted as amended by Kristensen FA397. Abboud FA396 withdrawn. Chambers FA398 adopted. Advanced for Engrossment 942
Mar. 2 Avery FA399 printed 947
Mar. 8 Correctly Engrossed 1029
Mar. 8 ER7426 change 1030
Mar. 9 Ashford AM3569 and Ashford-Will AM3568 printed 1075
Mar. 23 Attorney General's Opinion #94020 to Schellpeper 1363
Mar. 29 Lindsay-Bernard-Stevens-Schellpeper-Avery AM4092 printed 1527
Apr. 5 Attorney General's Opinion #94025 to Schellpeper 1689
Apr. 6 Abboud AM4336 (on file) printed 1748
Apr. 7 Avery request to substitute motion to return to Select File for FA399 withdrawn. Avery pending FA399 p. 947 withdrawn. Returned to Select File for Lindsay et al amendment. Lindsay et al pending AM4092 p. 1527 adopted. Advanced for Reengrossment. Ashford pending AM3569 p. 1075 and Ashford-Will pending AM3568 p. 1075 withdrawn. Abboud motion to return to Select File for AM4379 (on file) and Hudkins motion to return to Select File for AM4403 withdrawn 1786
Apr. 11 Correctly Reengrossed 1850
Apr. 15 Withem motion to suspend rules prevailed 2096
Apr. 15 Bernard-Stevens motion to return to Select File for FA587 withdrawn. Final Reading w/E 45-1-3 2121
Apr. 15 Speaker signed 2129
Apr. 15 Presented to Governor (4/15). Approved by Governor (4/15) 2139

LEGISLATIVE BILL 988A. By Bernard-Stevens

Mar. 1 Read first time. Placed on General File 939
Mar. 10 Bernard-Stevens AM3592 printed 1106
Mar. 15 Bernard-Stevens pending AM3592 p. 1106 adopted. Advanced for Review 1209
Mar. 23 Placed on Select File - AM5713 1365
Mar. 25 AM5713 (E & R) adopted. Advanced for Engrossment 1429
Mar. 28 Correctly Engrossed 1500
Apr. 6 Bernard-Stevens AM4370 printed 1766
Apr. 7 Returned to Select File for Bernard-Stevens amendment. Bernard-Stevens pending AM4370 p. 1766 adopted. Advanced for Reengrossment 1789
Apr. 11 Correctly Reengrossed 1850
Apr. 11 ER7464 change 1854
Apr. 15 Withem motion to suspend rules prevailed 2096
Apr. 15 Pedersen motion to return to Select File for AM4589 withdrawn 2122
Apr. 15 Final Reading w/E 44-3-2 2123
Apr. 15 Speaker signed 2129
Apr. 15 Presented to Governor (4/15). Approved by Governor (4/15) 2139

LEGISLATIVE BILL 989. By Abboud, Ashford, Beutler, Cudaback, Hillman, Lindsay, Monen, Pedersen, Pirsch, Rasmussen, Vrtiska, Wickersham

Jan. 7 Read first time 230
Jan. 11 Referred to Committee on Education 262
Jan. 11 Notice of hearing (1/25) 280
Jan. 12 Notice of hearing (1/25) 308
Feb. 23 Education Committee priority bill 827
Mar. 9 Placed on General File - Com AM3588 1073
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 990. By Will, Robinson

Jan. 7 Read first time 231
Jan. 11 Referred to Committee on Transportation 262
Jan. 13 Notice of hearing (2/1) 327
Mar. 9 Indefinitely postponed 1057

LEGISLATIVE BILL 991. By Speaker Withem, at the request of the Governor

Jan. 10 Read first time 248
Jan. 11 Referred to Committee on Appropriations 273
Feb. 8 Notice of hearing (2/14) 636
Mar. 8 Placed on General File - Com AM3400 1033

(printed separate)

Mar. 10 Committee AM3400 adopted. Moore AM3624 adopted. Advanced for Review 1115

Mar. 10 Lynch-Hudkins AM3659 printed 1116

Mar. 11 Chambers AM3681 printed 1160

Mar. 14 Bohlke-Monen AM3702 printed 1195

Mar. 15 Placed on Select File - AM5703 1219

Mar. 16 Warner AM3704 to AM3624 printed 1225

Mar. 17 Moore AM3780 printed 1271

Mar. 17 Bohlke AM3823 printed 1288

Mar. 22 Schimek name added to Lynch-Hudkins AM3659 1313

Mar. 22 AM5703 (E & R) adopted. Lynch-Hudkins-Schimek request to substitute amendment prevailed. Lynch et al pending AM3659 p. 1116 withdrawn. Schimek-Hudkins substitute AM3736 lost. Chambers pending AM3681 p. 1160 lost 1315

Mar. 22 Wesely AM3937 printed 1319

Mar. 22 Bohlke-Monen request to substitute amendment prevailed. Bohlke-Monen pending AM3702 p. 1195 withdrawn. Bohlke pending substitute AM3823 p. 1288 adopted. Warner pending AM3704 p. 1225 and Moore pending AM3780 p. 1271 adopted. Bohlke AM3890 lost as amended by Pedersen AM3936 and Schmit FA453 1321

Mar. 23 Hillman AM3843 adopted. Moore-Bernard-Stevens FA457 withdrawn. Elmer motion to reconsider AM3823 p. 1288 lost. Ashford-Avery-Abboud-Withem-Chambers-Monen-Lindsay-Preister-Pedersen-Hartnett-Will-Lynch-Pirsch-Witek AM3920 pending. Moore AM3966 to AM3920 adopted 1354

Mar. 23 Pirsch motion to reconsider AM3966 p. 1356 lost. Ashford et al pending AM3920 p. 1356 lost as amended. Moore AM3900 adopted. Cudaback AM3916 lost 1369

Mar. 23 Wickersham AM3928 lost. Ashford-Abboud-Wesely FA458, Crosby AM3925, Hall AM3943, and Lindsay-Chambers-Hall-Abboud-Fisher-Pedersen-Robak-Hudkins AM3953 adopted. Wesely pending AM3937 p. 1319 and AM3969 withdrawn. Bernard-Stevens FA459 to AM3953 lost 1376

Mar. 23 Wesely AM3971 printed 1379

Mar. 24 Bernard-Stevens AM3899, Chambers AM3979, and Abboud-Matzke AM4043 adopted. Moore AM3983 lost. Wesely pending AM3971 p. 1379

withdrawn. Lynch FA463 pending 1406
Mar. 24 Bracketed until 3/30/94 1419
Mar. 25 Coordsen-Vrtiska-Schellpeper-Dierks AM4052 printed 1436
Mar. 25 Ashford FA471 printed 1447
Mar. 29 Withem-Bohlke AM4206 printed 1577
Mar. 30 Lynch pending FA463 p. 1409 withdrawn. Coordsen et al pending AM4052 p. 1436 sustained division of question. Coordsen FA514 (1) pending. Bohlke request for division of question on AM4052 withdrawn. Coordsen et al pending AM4052 p. 1436 withdrawn. Bohlke-Withem pending AM4206 p. 1577 pending. Moore AM4228 lost 1609
Mar. 30 Bohlke-Withem pending AM4206 p. 1577 adopted. Ashford pending FA471 p. 1447 withdrawn. Advanced for Engrossment 1641
Apr. 5 Correctly Engrossed. ER7455 change 1723
Apr. 7 Withem motion to suspend rules prevailed 1776
Apr. 7 Final Reading w/E 34-8-7 1777
Apr. 7 Speaker signed 1786
Apr. 7 Presented to Governor (4/7) 1789
Apr. 13 Approved by Governor with line-item vetoes (4/13) ... 1991
Apr. 14 Appropriations Committee report 2060
Apr. 15 Lindsay motion to override line-item veto failed 22-27-0 2133
Apr. 15 Beutler motion to override line-item veto failed 11-28-10 2134
Apr. 15 Day motion to override line-item veto withdrawn 2135
Apr. 15 Bromm motion to override line-item veto failed 27-18-4 2136
Apr. 15 Communication 2138
Apr. 21 Message from Secretary of State 2153
Apr. 21 Certificate 2154

LEGISLATIVE BILL 992. By Landis

Jan. 10 Read first time 249
Jan. 11 Referred to Committee on Banking, Commerce and Insurance 273
Jan. 13 Notice of hearing (1/25) 317
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 993. By Lindsay

Jan. 10 Read first time 249
Jan. 11 Referred to Committee on Judiciary 273
Jan. 12 Notice of hearing (1/21) 308

Feb. 1 Placed on General File 565
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 994. By Lindsay

Jan. 10 Read first time 249
Jan. 11 Referred to Committee on Revenue 273
Jan. 12 Notice of hearing (1/19) 296
Feb. 3 Placed on General File - Com AM2978 604
(printed separate)
Mar. 17 Committee AM2978 adopted. Advanced for Review ... 1284
Mar. 24 Placed on Select File 1400
Apr. 7 Advanced for Engrossment 1798
Apr. 11 Correctly Engrossed 1858
Apr. 11 ER7477 change 1859
Apr. 15 Final Reading 40-0-9 2101
Apr. 15 President signed 2109
Apr. 15 Presented to Governor (4/15) 2117
Apr. 21 Approved by Governor (4/19) 2149
(Provisions/portions of LB 994 amended into LB 1207 by AM4327)

LEGISLATIVE BILL 995. By Schellpeper, Bohlke, Bromm, Janssen, McKenzie, Rasmussen

Jan. 10 Read first time 250
Jan. 11 Referred to Committee on Education 273
Jan. 12 Notice of hearing (1/24) 308
Feb. 15 Indefinitely postponed 733

LEGISLATIVE BILL 996. By Withem, Avery, Hartnett, Pedersen, Preister

Jan. 10 Read first time 250
Jan. 11 Referred to Committee on Judiciary 273
Jan. 19 Notice of hearing (1/26) 381
Feb. 1 Placed on General File - Com AM2898 565
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 996 amended into LB 903 by AM3514)

LEGISLATIVE BILL 997. By General Affairs Committee

Jan. 10 Read first time 250
Jan. 11 Referred to Committee on General Affairs 273
Jan. 13 Notice of hearing (1/24) 321
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 998. By Witek

Jan. 10 Read first time 250
Jan. 11 Referred to Committee on Education 273
Feb. 1 Notice of hearing (2/22) 555
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 999. By Witek

Jan. 10 Read first time 250
Jan. 11 Referred to Committee on Education 273
Feb. 1 Notice of hearing (2/22) 556
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1000. By Bernard-Stevens

Jan. 10 Read first time 251
Jan. 11 Referred to Committee on Health and Human Services 273
Jan. 19 Notice of hearing (1/26) 371
Feb. 2 Placed on General File 572
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1000A. By Bernard-Stevens

Feb. 8 Read first time. Placed on General File 636
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1001. By Dierks, Schellpeper

Jan. 10 Read first time 252
Jan. 11 Referred to Committee on Government, Military and Veterans Affairs 273
Jan. 13 Notice of hearing (1/20) 322
Jan. 25 Placed on General File 478
Feb. 4 Advanced for Review 612
Feb. 10 Placed on Select File 687
Feb. 24 Advanced for Engrossment 857
Mar. 1 Correctly Engrossed 936
Mar. 23 Final Reading 43-0-6 1341
Mar. 23 Speaker signed 1348
Mar. 23 Presented to Governor (3/23) 1353
Mar. 28 Approved by Governor (3/25) 1471

LEGISLATIVE BILL 1001A. By Dierks

Feb. 3 Read first time. Placed on General File 597
Feb. 11 Advanced for Review 699
Feb. 17 Placed on Select File 772
Feb. 24 Advanced for Engrossment 857
Mar. 1 Correctly Engrossed 936

Mar. 23 Final Reading 41-0-8 1342
Mar. 23 Speaker signed 1348
Mar. 23 Presented to Governor (3/23) 1353
Mar. 28 Approved by Governor (3/25) 1471

LEGISLATIVE BILL 1002. By Pedersen, Avery, Beutler, Bromm, Janssen, Robinson, Wehrbein, Withem

Jan. 10 Read first time 253
Jan. 11 Referred to Committee on Natural Resources 273
Jan. 26 Notice of hearing (2/2) 503
Feb. 17 Pedersen priority bill 779
Feb. 22 Placed on General File - Com AM3224 792
Mar. 1 Committee AM3224 adopted as amended by Robinson AM4038. Advanced for Review 926
Mar. 8 Robinson AM3586 printed 1052
Mar. 9 Placed on Select File - AM5679 1055
Mar. 17 AM5679 (E & R) adopted. Robinson pending AM3586 p. 1052 withdrawn. Beutler AM3835 adopted. Advanced for Engrossment 1274
Mar. 23 Correctly Engrossed 1379
Mar. 23 ER7446 change 1380
Mar. 30 Final Reading w/E 43-0-6 1583
Mar. 30 Speaker signed 1587
Mar. 30 Presented to Governor (3/30) 1601
Apr. 5 Approved by Governor (4/4) 1689

LEGISLATIVE BILL 1003. By Beutler

Jan. 10 Read first time 253
Jan. 11 Referred to Committee on Revenue 273
Jan. 13 Notice of hearing (1/20) 327
Feb. 1 Beutler priority bill 528
Feb. 1 Placed on General File 565
Feb. 17 Lindsay name added 784
Mar. 28 Beutler AM3245 printed 1498
Mar. 28 Wickersham AM3239 and AM3242 printed 1499
Mar. 28 Wickersham AM3241 printed 1500
Mar. 28 Schimek AM4138 printed separate 1509
Mar. 29 Witek AM3250 printed 1547
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1004. By Schimek

Jan. 10 Read first time 253
Jan. 11 Referred to Committee on Government, Military and Veterans Affairs 273
Jan. 13 Notice of hearing (1/21) 322
Jan. 25 Placed on General File 478

Feb. 4 Advanced for Review 612
Feb. 10 Placed on Select File 687
Feb. 24 Advanced for Engrossment 858
Mar. 1 Correctly Engrossed 936
Mar. 1 ER7418 change 937
Mar. 10 Final Reading 45-1-3 1092
Mar. 10 President signed 1110
Mar. 10 Presented to Governor (3/10) 1111
Mar. 16 Approved by Governor (3/15) 1248

LEGISLATIVE BILL 1004A. By Schimek

Feb. 1 Read first time. Placed on General File 562
Feb. 11 Advanced for Review 699
Feb. 17 Placed on Select File 772
Feb. 24 Advanced for Engrossment 858
Mar. 1 Correctly Engrossed 936
Mar. 10 Final Reading 39-2-8 1093
Mar. 10 President signed 1110
Mar. 10 Presented to Governor (3/10) 1111
Mar. 16 Approved by Governor (3/15) 1248

LEGISLATIVE BILL 1005. By Schimek

Jan. 10 Read first time 253
Jan. 11 Referred to Committee on Government, Military and Veterans Affairs 273
Jan. 13 Notice of hearing (1/21) 322
Jan. 25 Placed on General File 478
Feb. 11 Advanced for Review 699
Feb. 17 Placed on Select File 772
Feb. 24 Advanced for Engrossment 858
Mar. 2 Correctly Engrossed 977
Mar. 11 Final Reading 40-0-9 1141
Mar. 11 President signed 1142
Mar. 11 Presented to Governor (3/11) 1149
Mar. 16 Approved by Governor (3/15) 1248

LEGISLATIVE BILL 1006. By Schimek

Jan. 10 Read first time 253
Jan. 11 Referred to Committee on Appropriations 273
Feb. 8 Notice of hearing (2/16) 618
Mar. 8 Placed on General File 1036
Mar. 10 Advanced for Review 1122
Mar. 15 Placed on Select File 1220
Mar. 22 Advanced for Engrossment 1324
Mar. 24 Correctly Engrossed 1418
Apr. 7 Final Reading w/E 44-0-5 1779

Apr. 7 Speaker signed 1786
Apr. 7 Presented to Governor (4/7) 1789
Apr. 12 Approved by Governor (4/12) 1938

LEGISLATIVE BILL 1006A. By Moore

Mar. 8 Read first time. Placed on General File 1036
Mar. 10 Advanced for Review 1122
Mar. 15 Placed on Select File 1220
Mar. 22 Advanced for Engrossment 1324
Mar. 24 Correctly Engrossed 1418
Apr. 7 Final Reading w/E 44-0-5 1780
Apr. 7 Speaker signed 1786
Apr. 7 Presented to Governor (4/7) 1789
Apr. 12 Approved by Governor (4/12) 1938

LEGISLATIVE BILL 1007. By Schimek

Jan. 10 Read first time 253
Jan. 11 Referred to Committee on Government, Military and Veterans Affairs 274
Jan. 12 Notice of hearing (1/19) 308
Jan. 25 Placed on General File 478
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1008. By Schimek

Jan. 10 Read first time 254
Jan. 11 Referred to Committee on Government, Military and Veterans Affairs 274
Jan. 13 Notice of hearing (1/21) 322
Mar. 2 Placed on General File - Com AM3405 965
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1009. By Landis

Jan. 10 Read first time 254
Jan. 11 Referred to Committee on Banking, Commerce and Insurance 274
Feb. 3 Notice of hearing (2/14) 595
Feb. 17 Placed on General File - Com AM3134 766
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1009 amended into LB 957 by AM3482)

LEGISLATIVE BILL 1010. By Schimek, Hartnett

Jan. 10 Read first time 254
Jan. 11 Referred to Committee on Judiciary 274
Jan. 27 Notice of hearing (2/3) 520

Feb. 8 Placed on General File - Com AM2947 625
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1010 amended into LB 903 by AM3631)

LEGISLATIVE BILL 1011. By Ashford, Rasmussen, Wesely, Will

Jan. 10 Read first time 254
Jan. 11 Referred to Committee on Judiciary 274
Jan. 19 Notice of hearing (1/27) 381
Feb. 16 Placed on General File - Com AM3202 755
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1012. By Ashford, Crosby, Wesely, Will

Jan. 10 Read first time 254
Jan. 11 Referred to Committee on Judiciary 274
Jan. 19 Notice of hearing (1/27) 381
Feb. 10 Indefinitely postponed 681

LEGISLATIVE BILL 1013. By Ashford, Will

Jan. 10 Read first time 254
Jan. 11 Referred to Committee on Judiciary 274
Jan. 19 Notice of hearing (1/27) 381
Feb. 10 Indefinitely postponed 681

LEGISLATIVE BILL 1014. By Monen

Jan. 10 Read first time 255
Jan. 11 Referred to Committee on Health and Human Services 274
Jan. 19 Notice of hearing (1/27) 371
Feb. 2 Placed on General File - Com AM2912 573
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1015. By Witek

Jan. 10 Read first time 255
Jan. 11 Referred to Committee on Banking, Commerce and Insurance 274
Jan. 13 Notice of hearing (1/25) 317
Jan. 27 Placed on General File 509
Feb. 11 Advanced for Review 703
Feb. 22 Placed on Select File 802
Feb. 24 Advanced for Engrossment 859
Mar. 3 Correctly Engrossed 994
Mar. 11 Bohlke-Rasmussen-McKenzie AM3686 printed 1162
Apr. 8 Kristensen AM4436 (on file) printed 1847
Apr. 11 Kristensen AM4513 (on file) printed 1905

Apr. 12 Kristensen AM4550 (on file) printed 1961
Apr. 13 Bohlke et al pending AM3686 p. 1162, Kristensen pending AM4436 p. 1847, AM4513 p. 1905, and AM4550 p. 1961 withdrawn 2049
Apr. 13 Final Reading 45-0-4. Speaker signed 2050
Apr. 14 Presented to Governor (4/13) 2054
Apr. 21 Approved by Governor (4/18) 2145

LEGISLATIVE BILL 1016. By McKenzie, Byars, Day, Robinson

Jan. 10 Read first time 255
Jan. 11 Referred to Committee on Health and Human Services 274
Jan. 18 Wehrbein name added 361
Jan. 26 Notice of hearing (2/2) 504
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1016 amended into LB 1210 by AM4480)

LEGISLATIVE BILL 1017. By McKenzie, Moore

Jan. 10 Read first time 255
Jan. 11 Referred to Committee on Natural Resources 274
Jan. 13 Notice of hearing (1/21) 327
Jan. 26 Placed on General File 502
Feb. 11 Advanced for Review 701
Feb. 17 Placed on Select File - AM5664 778
Feb. 24 AM5664 (E & R) adopted. Advanced for Engrossment 858
Mar. 2 Correctly Engrossed 977
Mar. 15 Final Reading 33-0-16 1202
Mar. 15 Speaker signed 1210
Mar. 15 Presented to Governor (3/15) 1213
Mar. 16 Approved by Governor (3/15) 1248

LEGISLATIVE BILL 1018. By Ashford, Schimek, Will

Jan. 10 Read first time 255
Jan. 11 Referred to Committee on Judiciary 274
Jan. 19 Notice of hearing (1/27) 381
Feb. 10 Indefinitely postponed 681
11 Ashford motion to place on General File laid over 700
Feb. 22 Ashford pending motion p. 700 withdrawn 803

LEGISLATIVE BILL 1019. By Wehrbein

Jan. 10 Read first time 255
Jan. 11 Referred to Committee on Urban Affairs 274

Jan. 11 Notice of hearing (1/18) 279
Jan. 19 Placed on General File 363
Jan. 21 Advanced for Review 436
Jan. 27 Placed on Select File 523
Feb. 8 Advanced for Engrossment 635
Feb. 11 Correctly Engrossed 704
Feb. 25 Final Reading 39-0-10 880
Feb. 25 President signed 892
Feb. 28 Presented to Governor (2/25) 901
Mar. 8 Approved by Governor (3/3) 1015

LEGISLATIVE BILL 1020. By Landis

Jan. 10 Read first time 255
Jan. 11 Referred to Committee on Revenue 274
Jan. 13 Notice of hearing (1/21) 327
Feb. 4 Indefinitely postponed 614

LEGISLATIVE BILL 1021. By Withem

Jan. 10 Read first time 256
Jan. 11 Referred to Committee on Education 274
Jan. 12 Notice of hearing (1/24) 308
Jan. 25 Placed on General File 477
Feb. 4 Advanced for Review 612
Feb. 10 Placed on Select File 687
Feb. 24 Advanced for Engrossment 857
Mar. 1 Correctly Engrossed 928
Mar. 10 Final Reading 42-0-7 1094
Mar. 10 President signed 1110
Mar. 10 Presented to Governor (3/10) 1111
Mar. 16 Approved by Governor (3/15) 1248

LEGISLATIVE BILL 1022. By Robak

Jan. 10 Read first time 256
Jan. 11 Referred to Committee on Natural Resources 274
Feb. 9 Notice of hearing (2/17) 664
Feb. 23 Robak priority bill 827
Mar. 8 Placed on General File - Com AM3392 1019
Mar. 15 Robak AM3749 printed 1216
Mar. 17 Robak AM3771 printed 1266
Mar. 22 Robak AM3929 printed 1318
Apr. 6 Committee AM3392 adopted. Robak pending AM3749 p. 1216 and AM3771 p. 1266 withdrawn. Robak pending AM3929 p. 1318 lost. Advanced for Review 1747
Apr. 7 Placed on Select File 1812
Apr. 12 Advanced for Engrossment 1927

Apr. 12 Correctly Engrossed 1942
Apr. 14 Rasmussen motion to suspend rules prevailed 2072
Apr. 14 Final Reading w/E 41-0-8 2075
Apr. 14 President signed 2091
Apr. 14 Presented to Governor (4/14) 2093
Apr. 21 Approved by Governor (4/20) 2160

LEGISLATIVE BILL 1023. By Schellpeper, Cudaback, Fisher, Jones

Jan. 10 Read first time 256
Jan. 11 Referred to Committee on Judiciary 274
Jan. 19 Notice of hearing (1/27) 381
Feb. 10 Placed on General File 681
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1024. By Pirsch

Jan. 10 Read first time 256
Jan. 11 Referred to Committee on Judiciary 274
Feb. 2 Notice of hearing (2/9) 572
Feb. 10 Indefinitely postponed 681

LEGISLATIVE BILL 1025. By Pirsch, Hall

Jan. 10 Read first time 256
Jan. 11 Referred to Committee on Urban Affairs 274
Jan. 11 Notice of hearing (1/18) 279
Jan. 19 Placed on General File 363
Feb. 4 Advanced for Review 610
Feb. 4 Abboud name added 616
Feb. 10 Placed on Select File - AM5652 686
Feb. 24 AM5652 (E & R) adopted.
Advanced for Engrossment 857
Feb. 28 Correctly Engrossed 908
Mar. 10 Final Reading 33-0-16 1082
Mar. 10 President signed 1110
Mar. 10 Presented to Governor (3/10) 1111
Mar. 16 Approved by Governor (3/16) 1248

LEGISLATIVE BILL 1026. By Lindsay

Jan. 10 Read first time 257
Jan. 11 Referred to Committee on Judiciary 274
Jan. 12 Notice of hearing (1/19) 308
Jan. 25 Placed on General File 488
Feb. 11 Advanced for Review 700
Feb. 17 Placed on Select File 773
Feb. 24 Advanced for Engrossment 858

Mar. 2 Correctly Engrossed 977
Mar. 2 ER7415 change 978
Mar. 29 Lindsay-Hall AM3764 printed 1557
Mar. 29 Hall-Lindsay-Beutler AM4208 printed 1577
Mar. 30 Lindsay motion to return to Select File for AM3764 lost 1585
Mar. 31 Bernard-Stevens motion to reconsider action on AM3764 laid over 1685
Apr. 5 Bernard-Stevens pending motion p. 1685 prevailed 1705
Apr. 5 Lindsay reconsidered motion p. 1585 withdrawn. Lindsay-Hall pending AM3764 p. 1557, and Hall-Lindsay-Beutler pending AM4208 p. 1577 withdrawn. Withem motion to return to Select File for AM4330 withdrawn. Withem motion to return to Select File for AM4344 lost 1712
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1027. By Hartnett, Engel, Janssen, Pedersen, Robinson, Wickersham

Jan. 10 Read first time 257
Jan. 11 Referred to Committee on Urban Affairs 274
Jan. 11 Notice of hearing (1/18) 279
Jan. 19 Placed on General File 363
Jan. 21 Advanced for Review 436
Jan. 27 Placed on Select File 523
Feb. 8 Advanced for Engrossment 635
Feb. 11 Correctly Engrossed. ER7406 change 704
Feb. 25 Final Reading 38-0-11 881
Feb. 25 President signed 892
Feb. 28 Presented to Governor (2/25) 901
Mar. 8 Approved by Governor (3/3) 1015

LEGISLATIVE BILL 1028. By Day

Jan. 10 Read first time 257
Jan. 11 Referred to Committee on Health and Human Services 274
Jan. 27 Notice of hearing (2/16) 521
Feb. 28 Placed on General File 913
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1029. By Rasmussen, Hall

Jan. 10 Read first time 257
Jan. 11 Referred to Committee on Judiciary 274
Jan. 19 Notice of hearing (1/26) 381

Jan. 27 Placed on General File 523
Feb. 24 Preister name added 874
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1030. By Beutler

Jan. 10 Read first time 257
Jan. 11 Referred to Committee on Natural Resources 274
Jan. 12 Notice of hearing (1/19) 296
Feb. 2 Natural Resources Committee priority bill 575
Feb. 22 Placed on General File - Com AM3295 795
(printed separate)
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1031. By Matzke

Jan. 11 Read first time 266
Jan. 12 Referred to Committee on Natural Resources 300
Jan. 27 Notice of hearing (2/3) 511
Feb. 8 Placed on General File 626
Mar. 17 Matzke AM2945 adopted. Advanced for Review 1285
Mar. 28 Placed on Select File - AM5720 1451
Mar. 30 Beutler AM4199 printed 1611
Mar. 30 Avery-Bromm-Elmer-Preister-Jones-
Matzke-Bohlke AM4050 printed 1653
Apr. 5 Avery-Matzke AM4350 printed 1730
Apr. 7 AM5720 (E & R) adopted. Beutler pending
AM4199 p. 1611, Avery et al pending
AM4050 p. 1653, and Avery-Matzke
pending AM4350 p. 1730 withdrawn.
Advanced for Engrossment 1799
Apr. 11 Correctly Engrossed 1858
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading w/E 41-0-8 2036
Apr. 13 Speaker signed 2042
Apr. 13 Presented to Governor (4/13) 2051
Apr. 21 Approved by Governor (4/18) 2145

LEGISLATIVE BILL 1032. By Bernard-Stevens

Jan. 11 Read first time 266
Jan. 12 Referred to Committee on Transportation 300
Jan. 18 Notice of hearing (2/1) 359
Feb. 17 Indefinitely postponed 777

LEGISLATIVE BILL 1033. By Bernard-Stevens

Jan. 11 Read first time 266
Jan. 12 Referred to Committee on Revenue 300

Jan. 26 Notice of hearing (2/4) 504
Feb. 28 Indefinitely postponed 923

LEGISLATIVE BILL 1034. By Robinson, Abboud, Avery, Bernard-Stevens, Bohlke, Bromm, Byars, Coordsen, Crosby, Cudaback, Dierks, Elmer, Fisher, Hall, Hartnett, Hillman, Hudkins, Janssen, Jones, Lynch, McKenzie, Moore, Pedersen, Pirsch, Preister, Rasmussen, Robak, Schellpeper, Schimek, Schmitt, Vrtiska, Wehrbein, Will, Witek

Jan. 11 Read first time 266
Jan. 11 Robinson priority bill 279
Jan. 12 Referred to Committee on Natural Resources 300
Jan. 27 Notice of hearing (2/4) 525
Mar. 28 Placed on General File - Com AM3959 1468
(printed separate)
Apr. 5 Bernard-Stevens AM4202 to committee
AM3959 printed 1704
Apr. 6 Committee AM3959 adopted. Bernard-Stevens
pending AM4202 p. 1704 lost. Preister
FA529 and Chambers FA530 withdrawn.
Advanced for Review 1742
Apr. 6 Elmer AM3527 printed 1754
Apr. 6 Bernard-Stevens AM4374 to committee
AM3959 printed 1768
Apr. 7 Placed on Select File - AM5735 1800
Apr. 7 Elmer AM4430 printed 1816
Apr. 8 Robinson AM4431 printed 1836
Apr. 11 Robinson AM4516 printed 1893
Apr. 12 AM5735 (E & R) adopted. Elmer pending
AM3527 p. 1754 and AM4430 p. 1816, and
Robinson pending AM4431 p. 1836 withdrawn.
Robinson pending AM4516 p. 1893 adopted.
Bernard-Stevens pending AM4374 p. 1768
lost. Advanced for Engrossment 1926
Apr. 12 Correctly Engrossed. ER7487 change 1967
Apr. 14 Rasmussen motion to suspend rules prevailed 2072
Apr. 14 Final Reading 46-0-3 2086
Apr. 14 President signed 2091
Apr. 14 Presented to Governor (4/14) 2093
Apr. 21 Approved by Governor (4/20) 2160

LEGISLATIVE BILL 1034A. By Robinson

Mar. 31 Read first time. Placed on General File 1686
Apr. 6 Advanced for Review 1744
Apr. 7 Placed on Select File 1801
Apr. 12 Advanced for Engrossment 1927
Apr. 12 Correctly Engrossed 1967

Apr. 14 Rasmussen motion to suspend rules prevailed 2072
Apr. 14 Final Reading 41-0-8 2087
Apr. 14 President signed 2091
Apr. 14 Presented to Governor (4/14) 2093
Apr. 21 Approved by Governor with line-item veto (4/20) 2162
Apr. 21 Message from Secretary of State. Certificate 2168

LEGISLATIVE BILL 1035. By Rasmussen

Jan. 11 Read first time 267
Jan. 12 Referred to Committee on Judiciary 300
Jan. 19 Notice of hearing (1/26) 381
Feb. 2 Placed on General File - Com AM2886 575
Mar. 17 Committee AM2886 adopted.
Advanced for Review 1283
Mar. 24 Placed on Select File - AM5718 1388
Apr. 7 AM5718 (E & R) adopted.
Advanced for Engrossment 1798
Apr. 11 Correctly Engrossed 1851
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading w/E 40-0-9 2021
Apr. 13 President signed 2033
Apr. 13 Presented to Governor (4/13) 2051
Apr. 21 Approved by Governor (4/18) 2145

LEGISLATIVE BILL 1035A. By Rasmussen

Feb. 11 Read first time. Placed on General File 699
Mar. 17 Advanced for Review 1283
Mar. 24 Placed on Select File 1390
Apr. 7 Advanced for Engrossment 1798
Apr. 11 Correctly Engrossed 1851
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading 38-0-11 2022
Apr. 13 President signed 2033
Apr. 13 Presented to Governor (4/13) 2051
Apr. 21 Approved by Governor with line-item veto (4/18) 2147
Apr. 21 Message from Secretary of State 2156
Apr. 21 Certificate 2157

LEGISLATIVE BILL 1036. By Rasmussen

Jan. 11 Read first time 267
Jan. 12 Referred to Committee on Nebraska
Retirement Systems 300
Feb. 11 Notice of hearing (2/22) 696
Feb. 23 Notice of hearing (3/2) Rehearing) 822
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1037. By Rasmussen

Jan. 11 Read first time 267
Jan. 12 Referred to Committee on Education 300
Feb. 1 Notice of hearing (2/14) 555
Feb. 16 Placed on General File - Com AM3211 750
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1038. By Beutler

Jan. 11 Read first time 267
Jan. 12 Referred to Committee on Natural Resources 300
Feb. 15 Notice of hearing (2/24) 737
Feb. 28 Indefinitely postponed 902

LEGISLATIVE BILL 1039. By Beutler

Jan. 11 Read first time 267
Jan. 12 Referred to Committee on Natural Resources 300
Jan. 19 Notice of hearing (1/26) 371
Feb. 2 Placed on General File - Com AM2927 571
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1040. By Robinson

Jan. 11 Read first time 267
Jan. 12 Referred to Committee on Transportation 300
Jan. 27 Notice of hearing (2/15) 514
Feb. 17 Placed on General File 776
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1041. By Lynch

Jan. 11 Read first time 267
Jan. 12 Referred to Committee on Urban Affairs 300
Jan. 25 Notice of hearing (2/1) 490
Feb. 3 Placed on General File - Com AM2955 600
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1042. By Kristensen

Jan. 11 Read first time 268
Jan. 12 Referred to Committee on Banking, Commerce and Insurance 300
Feb. 3 Notice of hearing (2/14) 595
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1043. By Landis

Jan. 11 Read first time 268
Jan. 12 Referred to Committee on Government, Military and Veterans Affairs 300
Jan. 25 Notice of hearing (2/2) 480
Feb. 9 Placed on General File 656
Feb. 25 Speaker priority bill 875
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1043 amended into LB 446 by AM3644)

LEGISLATIVE BILL 1044. By Vrtiska, Bromm, Engel, Hartnett

Jan. 11 Read first time 271
Jan. 12 Referred to Committee on Transportation 300
Jan. 13 Notice of hearing (2/8) 327
Feb. 17 Placed on General File - Com AM3236 777
Feb. 22 Vrtiska priority bill 797
Feb. 22 Hillman name added 812
Feb. 23 Kristensen AM3319 to committee AM3236 printed 821
Feb. 25 Kristensen AM4000 to committee AM3236 printed 892
Mar. 14 Kristensen pending AM3319 p. 821 withdrawn. Committee AM3236 adopted as amended by Kristensen pending AM4000 p. 892 and Chambers FA434. Chambers FA435 adopted. Advanced for Review 1183
Mar. 23 Placed on Select File - AM5710 1364
Apr. 5 Withem name added 1724
Apr. 7 Chambers FA539 to AM5710 printed 1819
Apr. 8 AM5710 (E & R) adopted. Chambers pending FA539 p. 1819 lost. Advanced for Engrossment 1833
Apr. 11 Correctly Engrossed. ER7479 change 1886
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading 40-4-5 2047
Apr. 13 Speaker signed 2050
Apr. 14 Presented to Governor (4/13) 2054
Apr. 21 Approved by Governor (4/18) 2145

LEGISLATIVE BILL 1045. By Warner

Jan. 11 Read first time 271
Jan. 12 Referred to Committee on Appropriations 300
Feb. 8 Notice of hearing (2/14) 636
Mar. 8 Placed on General File - Com AM3472 1034
Mar. 10 Committee AM3472 adopted. Advanced for Review ... 1122
Mar. 15 Placed on Select File - AM5698 1219
Mar. 22 Wesely AM3938 printed 1318
Mar. 24 AM5698 (E & R) adopted. Bracketed until 3/30/94 1419

Mar. 29 Beutler AM4065 to committee AM3472 printed 1552
Mar. 30 Wesely pending AM3938 p. 1318 withdrawn.
Beutler pending AM4065 p. 1552 lost.
Advanced for Engrossment 1650
Apr. 5 Correctly Engrossed 1723
Apr. 5 ER7456 change 1724
Apr. 7 Withem motion to suspend rules prevailed 1776
Apr. 7 Final Reading 40-1-8 1778
Apr. 7 Speaker signed 1786
Apr. 7 Presented to Governor (4/7) 1789
Apr. 12 Approved by Governor (4/12) 1938

LEGISLATIVE BILL 1046. By Chambers

Jan. 11 Read first time 271
Jan. 12 Referred to Committee on Education 300
Jan. 12 Notice of hearing (1/24) 308
Feb. 15 Placed on General File - Com AM3021 742
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1047. By Wickersham, Moore

Jan. 11 Read first time 272
Jan. 12 Referred to Committee on Nebraska
Retirement Systems 300
Feb. 10 Notice of hearing (2/17) 689
Mar. 8 Indefinitely postponed 1020

LEGISLATIVE BILL 1048. By Will

Jan. 11 Read first time 272
Jan. 12 Referred to Committee on Banking,
Commerce and Insurance 300
Jan. 24 Notice of hearing (2/1) 475
Feb. 3 Placed on General File - Com AM2962 578
Mar. 17 Committee AM2962 adopted. Advanced for Review ... 1283
Mar. 24 Placed on Select File - AM5719 1400
Apr. 7 AM5719 (E & R) adopted.
Advanced for Engrossment 1798
Apr. 11 Correctly Engrossed 1858
Apr. 11 ER7476 change 1860
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading 38-0-11 2036
Apr. 13 Speaker signed 2042
Apr. 13 Presented to Governor (4/13) 2051
Apr. 21 Approved by Governor (4/18) 2145

LEGISLATIVE BILL 1049. By Will

Jan. 11 Read first time 272
Jan. 12 Referred to Committee on Banking, Commerce and Insurance 300
Jan. 24 Notice of hearing (2/1) 475
Feb. 2 Placed on General File 574
Mar. 17 Advanced for Review 1283
Mar. 24 Placed on Select File - AM5716 1387
Apr. 7 AM5716 (E & R) adopted. Advanced for Engrossment 1798
Apr. 11 Correctly Engrossed 1858
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading 40-0-9 2037
Apr. 13 Speaker signed 2042
Apr. 13 Presented to Governor (4/13) 2051
Apr. 21 Approved by Governor (4/18) 2145

LEGISLATIVE BILL 1050. By Ashford, Beutler, Bromm, Coordsen, Day, Elmer, Engel, Fisher, Haberman, Hall, Hartnett, Hillman, Hudkins, Jones, Matzke, McKenzie, Monen, Moore, Pedersen, Preister, Rasmussen, Robinson, Schellpeper, Vrtiska, Wehrbein, Wesely, Will, Witek

Jan. 11 Read first time 272
Jan. 12 Referred to Committee on Revenue 300
Jan. 27 Notice of hearing (2/16) 525
Feb. 28 Indefinitely postponed 923

LEGISLATIVE BILL 1051. By Lindsay

Jan. 11 Read first time 272
Jan. 12 Referred to Committee on Judiciary 301
Jan. 26 Notice of hearing (2/2) 504
Feb. 3 Placed on General File 597
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1052. By Hartnett, Avery, Withem

Jan. 11 Read first time 277
Jan. 12 Referred to Committee on Judiciary 301
Jan. 12 Notice of hearing (1/19) 308
Jan. 25 Indefinitely postponed 490
(Provisions/portions of LB 1052 amended into LB 903 by AM2834)

LEGISLATIVE BILL 1053. By McKenzie

Jan. 11 Read first time 277
Jan. 12 Referred to Committee on Natural Resources 301
Jan. 13 Notice of hearing (1/20) 318
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1054. By Robak, Hillman, Schimek

Jan. 11 Read first time 277
Jan. 12 Referred to Committee on Transportation 301
Jan. 12 Crosby name added 311
Jan. 27 Notice of hearing (2/14) 514
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1055. By Schimek, Bohlke, Bromm, Hudkins, Lindsay, Rasmussen, Wesely

Jan. 11 Read first time 277
Jan. 12 Referred to Committee on Education 301
Jan. 12 Notice of hearing (1/25) 308
Jan. 18 Crosby name added 361
Feb. 24 Placed on General File - Com AM3382 870
Mar. 2 Witek AM3411 to committee AM3382 printed 967
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1056. By Business and Labor Committee

Jan. 11 Read first time 277
Jan. 12 Referred to Committee on Business and Labor 301
Jan. 13 Notice of hearing (1/24) 322
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1057. By Withem, Kristensen

Jan. 11 Read first time 277
Jan. 12 Referred to Committee on General Affairs 301
Feb. 9 Notice of hearing (2/22) 665
Feb. 24 Indefinitely postponed 844
(Provisions/portions of LB 1057 amended into LB 1292 by AM3332)

LEGISLATIVE BILL 1058. By Wickersham, Elmer, Jones, Schmitt

Jan. 11 Read first time 278
Jan. 12 Referred to Committee on Agriculture 301
Jan. 13 Notice of hearing (1/25) 331
Feb. 3 Placed on General File 604
Feb. 22 Agriculture Committee priority bill 803
Mar. 8 Jones AM3522 printed 1038
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1059. By Transportation Committee

Jan. 11 Read first time 278
Jan. 12 Referred to Committee on Transportation 301

Jan. 13 Notice of hearing (1/25) 327
Jan. 27 Placed on General File 513
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1059 amended into LB 1061 by AM2872)

LEGISLATIVE BILL 1060. By Transportation Committee

Jan. 11 Read first time 278
Jan. 12 Referred to Committee on Transportation 301
Jan. 13 Notice of hearing (1/25) 327
Jan. 27 Placed on General File - Com AM2873 513
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1060 amended into LB 1061 by AM2872)

LEGISLATIVE BILL 1061. By Transportation Committee

Jan. 11 Read first time 278
Jan. 12 Referred to Committee on Transportation 301
Jan. 13 Notice of hearing (1/25) 327
Jan. 26 Transportation Committee priority bill 503
Jan. 27 Placed on General File - Com AM2872 513
(printed separate)
Mar. 11 Bernard-Stevens AM3719 printed 1179
Mar. 30 Kristensen AM3980 printed 1614
Apr. 6 Committee AM2872 adopted. Kristensen pending AM3980 p. 1614 adopted.
Advanced for Review 1752
Apr. 11 Placed on Select File - AM5741 1849
Apr. 12 AM5741 (E & R) adopted. Bernard-Stevens pending AM3719 p. 1179 withdrawn. Kristensen AM4459 adopted.
Advanced for Engrossment 1934
Apr. 12 Correctly Engrossed 1967
Apr. 12 ER7489 change 1968
Apr. 14 Rasmussen motion to suspend rules prevailed 2072
Apr. 14 Final Reading w/E 46-0-3 2087
Apr. 14 President signed 2091
Apr. 14 Presented to Governor (4/14) 2093
Apr. 21 Approved by Governor (4/19) 2149
(Provisions/portions of LB 920 amended into LB 1061 by AM3980)
(Provisions/portions of LB 943 amended into LB 1061 by AM2872)
(Provisions/portions of LB 1059 amended into LB 1061 by AM2872)
(Provisions/portions of LB 1060 amended into LB 1061 by AM2872)

LEGISLATIVE BILL 1061A. By Kristensen

Feb. 23 Read first time. Placed on General File 837
Apr. 6 Advanced for Review 1752
Apr. 11 Placed on Select File 1850

Apr. 12 Advanced for Engrossment 1935
Apr. 12 Correctly Engrossed 1967
Apr. 12 ER7492 change 1968
Apr. 14 Returned to Select File for Kristensen amendment. Kristensen FA582 adopted. Stands indefinitely postponed 2088

LEGISLATIVE BILL 1062. By Transportation Committee

Jan. 11 Read first time 278
Jan. 12 Referred to Committee on Transportation 301
Jan. 13 Notice of hearing (1/24) 327
Mar. 9 Indefinitely postponed 1071

LEGISLATIVE BILL 1063. By Warner

Jan. 11 Read first time 279
Jan. 12 Referred to Committee on Education 301
Jan. 12 Notice of hearing (2/1) 308
Feb. 8 Placed on General File - Com AM3038 ..... 638 (printed separate)
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1063 amended into LB 683 by AM3181)

LEGISLATIVE BILL 1064. By Preister, Robinson

Jan. 11 Read first time 279
Jan. 12 Referred to Committee on Health and Human Services 301
Jan. 27 Notice of hearing (2/9) 521
Mar. 11 Attorney General's Opinion #94014 to Vrtiska 1134
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1065. By Janssen, Bohlke, Bromm, Engel, Jones, Lynch, Robinson, Schellpeper, Schmitt, Wickersham

Jan. 11 Read first time 279
Jan. 12 Referred to Committee on Health and Human Services 301
Jan. 26 Notice of hearing (2/2) 504
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1066. By Chambers

Jan. 12 Read first time 296
Jan. 13 Referred to Committee on Banking, Commerce and Insurance 321
Jan. 24 Notice of hearing (2/1) 475
Feb. 3 Placed on General File - Com AM2961 579

Feb. 22 Chambers priority bill 785
Mar. 3 Committee AM2961 adopted. Advanced for Review ... 1001
Mar. 10 Placed on Select File - AM5693 1111
Mar. 16 Hall-Lindsay-Chambers AM3685 printed 1256
Mar. 17 AM5693 (E & R) adopted. Hall et al pending AM3685 p. 1256 pending 1275
Apr. 7 Hall et al pending AM3685 p. 1256 adopted as amended by Chambers FA538. Haberman motion to bracket until 4/10/94 lost. Haberman motion to recommit to committee lost 1806
Apr. 7 Haberman motion to bracket until 4/11/94 ruled out of order. Haberman motion to reconsider AM3685 p. 1256 prevailed. Hall et al reconsidered AM3685 p. 1256 adopted as amended 1813
Apr. 7 Advanced for Engrossment 1816
Apr. 11 Correctly Engrossed 1903
Apr. 11 ER7471 change 1904
Apr. 14 Final Reading w/E 34-5-10 2067
Apr. 14 President signed 2091
Apr. 14 Presented to Governor (4/14) 2093
Apr. 21 Approved by Governor (4/19) 2160
(Provisions/portions of LB 705 amended into LB 1066 by AM3685)

LEGISLATIVE BILL 1067. By Coordsen

Jan. 12 Read first time 297
Jan. 13 Referred to Committee on Banking, Commerce and Insurance 321
Feb. 3 Notice of hearing (2/15) 595
Feb. 23 Fisher name added 838
Feb. 28 Placed on General File - Com AM3385 903
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1067 amended into LB 979 by AM3611)

LEGISLATIVE BILL 1068. By Nebraska Retirement Systems Committee

Jan. 12 Read first time 297
Jan. 13 Referred to Committee on Nebraska Retirement Systems 321
Jan. 25 Notice of hearing (2/1) 480
Feb. 9 Placed on General File - Com AM3025 655
Feb. 25 Speaker priority bill 875
Mar. 11 Committee AM3025 adopted. Advanced for Review ... 1163
Mar. 22 Placed on Select File - AM5704 1292
Mar. 24 Wickersham AM3946 printed 1410
Apr. 8 AM5704 (E & R) adopted. Wickersham

pending AM3946 p. 1410 adopted.
Advanced for Engrossment 1828
Apr. 11 Correctly Engrossed 1861
Apr. 11 ER7474 change 1862
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading w/E 44-0-5 2043
Apr. 13 Speaker signed 2050
Apr. 14 Presented to Governor (4/13) 2054
Apr. 21 Approved by Governor (4/19) 2148
(Provisions/portions of LB 1245 amended into LB 1068 by AM3946)

LEGISLATIVE BILL 1069. By Crosby

Jan. 12 Read first time 297
Jan. 13 Referred to Committee on General Affairs 321
Feb. 2 Notice of hearing (2/15) 576
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1070. By Schellpeper

Jan. 12 Read first time 297
Jan. 13 Referred to Committee on General Affairs 321
Feb. 2 Notice of hearing (2/15) 576
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1070 amended into LB 694 by AM4432)

LEGISLATIVE BILL 1071. By Agriculture Committee

Jan. 12 Read first time 298
Jan. 13 Referred to Committee on Agriculture 321
Jan. 25 Notice of hearing (2/1) 490
Feb. 8 Placed on General File 638
Feb. 25 Speaker priority bill 875
Mar. 11 Advanced for Review 1163
Mar. 22 Placed on Select File 1292
Apr. 7 Advanced for Engrossment 1797
Apr. 11 Correctly Engrossed 1851
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading w/E 38-0-11 2022
Apr. 13 President signed 2033
Apr. 13 Presented to Governor (4/13) 2051
Apr. 21 Approved by Governor (4/18) 2145

LEGISLATIVE BILL 1071A. By Dierks

Feb. 11 Read first time. Placed on General File 699
Mar. 11 Advanced for Review 1163
Mar. 22 Placed on Select File 1292
Apr. 7 Advanced for Engrossment 1797

Apr. 11 Correctly Engrossed 1851
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading w/E 38-0-11 2023
Apr. 13 President signed 2033
Apr. 13 Presented to Governor (4/13) 2051
Apr. 21 Approved by Governor (4/18) 2145

LEGISLATIVE BILL 1072. By Ashford, Hall, Hartnett, Lynch, Pedersen, Rasmussen, Will

Jan. 12 Read first time 298
Jan. 13 Referred to Committee on Revenue 321
Jan. 13 Notice of hearing (1/26) 327
Feb. 22 Indefinitely postponed 801

LEGISLATIVE BILL 1073. By Will

Jan. 12 Read first time 298
Jan. 13 Referred to Committee on Nebraska Retirement Systems 321
Feb. 11 Notice of hearing (2/22) 696
Feb. 23 Notice of hearing (3/2) (Rehearing) 822
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1074. By Landis

Jan. 12 Read first time 298
Jan. 13 Referred to Committee on Banking, Commerce and Insurance 321
Feb. 3 Notice of hearing (2/14) 595
Feb. 17 Placed on General File - Com AM3208 766
Feb. 23 Lindsay priority bill 827
Feb. 23 Lindsay name added 838
Mar. 3 Committee AM3208 adopted. Advanced for Review ... 1001
Mar. 8 Haberman AM3487 printed 1021
Mar. 10 Placed on Select File - AM5689 1111
Mar. 17 AM5689 (E & R) adopted. Advanced for Engrossment 1275
Mar. 23 Correctly Engrossed 1379
Apr. 6 Haberman pending AM3487 p. 1021 withdrawn. Final Reading 42-1-6 1736
Apr. 6 Speaker signed. Presented to Governor (4/6) 1749
Apr. 7 Approved by Governor (4/7) 1813

LEGISLATIVE BILL 1074A. By Landis

Mar. 1 Read first time. Placed on General File 927
Mar. 3 Advanced for Review 1002
Mar. 10 Placed on Select File 1112

Mar. 17 Advanced for Engrossment 1275
Mar. 23 Correctly Engrossed 1379
Apr. 6 Final Reading 41-0-8 1737
Apr. 6 Speaker signed. Presented to Governor (4/6) 1749
Apr. 7 Approved by Governor (4/7) 1813

LEGISLATIVE BILL 1075. By Vrtiska

Jan. 12 Read first time 299
Jan. 13 Referred to Committee on Government, Military and Veterans Affairs 321
Jan. 25 Notice of hearing (2/4) 480
Jan. 26 Notice of hearing (2/3) (Reset) 503
Feb. 10 Placed on General File - Com AM3082 (printed separate) 681
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1076. By Health and Human Services Committee

Jan. 12 Read first time 301
Jan. 12 Byars name added 311
Jan. 13 Referred to Committee on Health and Human Services 321
Jan. 27 Notice of hearing (2/10) 521
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1076 amended into LB 1224 by AM4049)

LEGISLATIVE BILL 1077. By Health and Human Services Committee

Jan. 12 Read first time 301
Jan. 12 Byars name added 311
Jan. 13 Referred to Committee on Health and Human Services 321
Jan. 27 Notice of hearing (2/24) 521
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1078. By Health and Human Services Committee

Jan. 12 Read first time 302
Jan. 12 Byars name added 311
Jan. 13 Referred to Committee on Health and Human Services 321
Jan. 19 Notice of hearing (1/27) 371
Feb. 2 Placed on General File 572
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1078 amended into LB 1210 by AM3517)

LEGISLATIVE BILL 1079. By Bromm, Robak, Robinson, Wehrbein

Jan.	12	Read first time	302
Jan.	13	Referred to Committee on Government, Military and Veterans Affairs	321
Jan.	25	Notice of hearing (2/4)	480
Apr.	15	Indefinitely postponed	2141

LEGISLATIVE BILL 1080. By Janssen, Bromm, Cudaback, Dierks, Haberman, Hartnett, Hudkins, Jones, Pirsch, Robinson, Schellpeper, Schmitt, Wickersham

Jan.	12	Read first time	305
Jan.	13	Referred to Committee on Government, Military and Veterans Affairs	321
Jan.	25	Notice of hearing (2/2)	480
Mar.	2	Placed on General File	963
Apr.	15	Indefinitely postponed	2141

LEGISLATIVE BILL 1081. By Bohlke, Coordsen, Cudaback, Hudkins

Jan.	12	Read first time	306
Jan.	13	Referred to Committee on Transportation	321
Jan.	27	Notice of hearing (2/22)	514
Mar.	9	Indefinitely postponed	1071

LEGISLATIVE BILL 1082. By Hartnett

Jan.	12	Read first time	306
Jan.	13	Referred to Committee on Revenue	321
Jan.	26	Notice of hearing (2/4)	504
Feb.	28	Indefinitely postponed	923

LEGISLATIVE BILL 1083. By Warner

Jan.	12	Read first time	306
Jan.	13	Referred to Committee on Revenue	321
Jan.	13	Notice of hearing (1/21)	327
Feb.	15	Placed on General File - Com AM3124	746
Feb.	23	Revenue Committee priority bill	827
Mar.	3	Committee AM3124 adopted. Advanced for Review	1002
Mar.	10	Placed on Select File	1114
Mar.	17	Advanced for Engrossment	1278
Mar.	23	Correctly Engrossed	1379
Mar.	31	Final Reading 41-0-8	1669
Mar.	31	President signed	1670

Mar. 31 Presented to Governor (3/31) 1672
Apr. 5 Approved by Governor (4/4) 1689

LEGISLATIVE BILL 1084. By Beutler

Jan. 12 Read first time 306
Jan. 13 Referred to Committee on Natural Resources 322
Jan. 13 Notice of hearing (1/21) 327
Mar. 2 Placed on General File - Com AM3424 958
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1084 amended into LB 480 by AM4251)

LEGISLATIVE BILL 1085. By Kristensen

Jan. 12 Read first time 306
Jan. 13 Referred to Committee on General Affairs 322
Feb. 10 Notice of hearing (2/23) 689
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1086. By Byars

Jan. 12 Read first time 307
Jan. 13 Referred to Committee on Banking, Commerce and Insurance 322
Feb. 3 Notice of hearing (2/15) 595
Feb. 17 Indefinitely postponed 771

LEGISLATIVE BILL 1087. By Coordsen, Ashford, Avery, Bohlke, Byars, Crosby, Cudaback, Day, Dierks, Elmer, Engel, Fisher, Hartnett, Hillman, Hudkins, Janssen, Jones, Lindsay, Lynch, Matzke, McKenzie, Monen, Pedersen, Pirsch, Rasmussen, Robak, Robinson, Schellpeper, Schimek, Schmitt, Vrtiska, Wehrbein, Wickersham, Will, Witek, Withem

Jan. 12 Read first time 307
Jan. 13 Referred to Committee on Revenue 322
Jan. 26 Notice of hearing (2/4) 504
Feb. 8 Placed on General File 637
Feb. 23 Jones priority bill 821
Mar. 17 Advanced for Review 1285
Mar. 28 Placed on Select File 1451
Apr. 5 Ashford FA520 printed 1691
Apr. 5 Ashford AM4351 printed 1727
Apr. 8 Lindsay motion to bracket until 4/15/94 withdrawn 1835
Apr. 8 Ashford pending FA520 p. 1691 and Wickersham AM3864 (on file) withdrawn. Ashford pending AM4351 p. 1727 adopted. Landis AM4316 pending. Chambers motion to

reconsider AM4351 p. 1727 pending 1837
Apr. 8 Will name withdrawn 1847
Apr. 11 Chambers pending motion p. 1842 lost 1892
Apr. 11 Landis pending AM4316 p. 1840 pending. Chambers motion to bracket until 4/14/94 lost. Chambers FA558 lost 1901
Apr. 11 Landis pending AM4316 p. 1840 lost. Warner FA559 to AM4351 adopted. Ashford motion to suspend rules to vote without further debate prevailed. Advanced for Engrossment 1906
Apr. 11 Ashford name added 1911
Apr. 12 Correctly Engrossed. ER7482 change 1946
Apr. 13 Returned to Select File for Coordsen amendment. Coordsen AM4552 adopted. Advanced for Reengrossment 1987
Apr. 13 Correctly Reengrossed 2008
Apr. 15 Withem motion to suspend rules prevailed 2096
Apr. 15 Final Reading w/E 40-0-9 2110
Apr. 15 Speaker signed 2116
Apr. 15 Presented to Governor (4/15) 2118
Apr. 15 Crosby explanation of vote 2138
Apr. 21 Approved by Governor (4/19) 2149

LEGISLATIVE BILL 1088. By Wickersham

Jan. 12 Read first time 307
Jan. 13 Referred to Committee on Revenue 322
Jan. 13 Notice of hearing (1/21) 327
Feb. 1 Placed on General File 565
Mar. 17 Advanced for Review 1282
Mar. 24 Placed on Select File 1387
Apr. 7 Advanced for Engrossment 1798
Apr. 11 Correctly Engrossed 1851
Apr. 13 Returned to Select File for Wickersham amendment. Wickersham AM4578 adopted. Advanced for Reengrossment 2000
Apr. 13 Correctly Reengrossed 2051
Apr. 13 ER7498 change 2053
Apr. 15 Withem motion to suspend rules prevailed 2096
Apr. 15 Final Reading 41-5-3 2125
Apr. 15 President signed 2131
Apr. 15 Presented to Governor (4/15) 2139
Apr. 21 Approved by Governor (4/19) 2149
(Provisions/portions of LB 1088 amended into LB 902 by AM3595)
(Provisions/portions of LB 245 amended into LB 1088 by AM4578)

LEGISLATIVE BILL 1089. By Byars

Jan. 12 Read first time 310
Jan. 13 Referred to Committee on Health and Human Services 322
Jan. 27 Notice of hearing (2/16) 521
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1090. By Dierks

Jan. 12 Read first time 310
Jan. 13 Referred to Committee on Revenue 322
Jan. 27 Notice of hearing (2/11) 513
Feb. 22 Indefinitely postponed 801

LEGISLATIVE BILL 1091. By Elmer, Byars, Dierks, Matzke, Schmitt, Vrtiska, Wehrbein

Jan. 12 Read first time 310
Jan. 13 Referred to Committee on Banking, Commerce and Insurance 322
Feb. 3 Notice of hearing (2/14) 595
Feb. 17 Indefinitely postponed 771

LEGISLATIVE BILL 1092. By Wesely

Jan. 12 Read first time 310
Jan. 13 Referred to Committee on Revenue 322
Feb. 15 Wesely motion to withdraw bill laid over 747
Feb. 17 Wesely pending motion p. 747 prevailed. Withdrawn 774

LEGISLATIVE BILL 1093. By Lynch

Jan. 13 Read first time 313
Jan. 19 Referred to Committee on Government, Military and Veterans Affairs 364
Jan. 25 Notice of hearing (2/3) 480
Feb. 9 Indefinitely postponed 656

LEGISLATIVE BILL 1094. By Robinson

Jan. 13 Read first time 313
Jan. 19 Referred to Committee on General Affairs 364
Feb. 2 Notice of hearing (2/15) 576
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1095. By Cudaback, Bromm, Coordsen, Hartnett, Jones

Jan. 13 Read first time 314
Jan. 19 Referred to Committee on Transportation 364
Jan. 27 Notice of hearing (2/22) 514
Feb. 28 Placed on General File 904
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1096. By Hudkins

Jan. 13 Read first time 314
Jan. 19 Referred to Committee on Judiciary 364
Jan. 19 Notice of hearing (1/26) 381
Feb. 1 Placed on General File - Com AM2887 566
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1097. By Appropriations Committee

Jan. 13 Read first time 314
Jan. 19 Referred to Committee on Government, Military and Veterans Affairs 364
Jan. 25 Notice of hearing (2/2) 480
Mar. 2 Placed on General File 963
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1098. By Abboud, Landis

Jan. 13 Read first time 314
Jan. 19 Referred to Committee on Banking, Commerce and Insurance 364
Feb. 3 Notice of hearing (2/28) 595
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1099. By Jones, Bromm, Cudaback, Elmer, Schmitt, Vrtiska, Wehrbein

Jan. 13 Read first time 314
Jan. 18 Schellpeper name added 362
Jan. 19 Referred to Committee on Transportation 364
Jan. 27 Notice of hearing (2/22) 514
Mar. 2 Placed on General File - Com AM4012 978
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1100. By Jones, Bohlke, Bromm, Coordsen, Cudaback, Dierks, Elmer, Haberman, Hudkins, McKenzie, Vrtiska, Wehrbein, Wickersham

Jan. 13 Read first time 314
Jan. 18 Elmer name added 362
Jan. 19 Referred to Committee on Government,

Military and Veterans Affairs 364
Feb. 3 Notice of hearing (2/10) 580
Mar. 2 Placed on General File - Com AM3217 965
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1101. By Coordsen, Abboud

Jan. 13 Read first time 315
Jan. 19 Referred to Committee on Business and Labor 364
Feb. 2 Notice of hearing (2/14) 576
Feb. 16 Placed on General File - Com AM3220 754
Feb. 23 Business and Labor Committee priority bill 822
Mar. 3 Committee AM3220 adopted. Advanced for Review ... 1003
Mar. 10 Placed on Select File - AM5692 1114
Mar. 31 AM5692 (E & R) adopted. Abboud-Lynch AM3751 withdrawn. Chambers motion to indefinitely postpone laid over 1674
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1101 amended into LB 286 by AM3701)

LEGISLATIVE BILL 1102. By Coordsen

Jan. 13 Read first time 315
Jan. 19 Referred to Committee on Transportation 364
Jan. 27 Notice of hearing (2/15) 514
Mar. 9 Indefinitely postponed 1071

LEGISLATIVE BILL 1103. By Vrtiska

Jan. 13 Read first time 315
Jan. 19 Referred to Committee on Government, Military and Veterans Affairs 364
Feb. 4 Notice of hearing (2/11) 608
Mar. 2 Indefinitely postponed 966

LEGISLATIVE BILL 1104. By Coordsen

Jan. 13 Read first time 315
Jan. 19 Referred to Committee on Transportation 364
Jan. 27 Notice of hearing (2/22) 514
Mar. 9 Indefinitely postponed 1071

LEGISLATIVE BILL 1105. By Hillman, Engel, McKenzie, Moore, Schellpeper

Jan. 13 Read first time 315
Jan. 19 Referred to Committee on Transportation 364
Jan. 27 Notice of hearing (2/14) 514
Mar. 9 Indefinitely postponed 1071

LEGISLATIVE BILL 1106. By Beutler

Jan.	13	Read first time	320
Jan.	19	Referred to Committee on Judiciary	364
Jan.	19	Notice of hearing (1/26)	381
Jan.	27	Placed on General File	523
Feb.	11	Advanced for Review	703
Feb.	22	Placed on Select File - AM5670	802
Feb.	24	AM5670 (E & R) adopted. Advanced for Engrossment	859
Mar.	8	Correctly Engrossed. ER7424 change	1014
Apr.	8	Final Reading 41-0-8	1825
Apr.	8	President signed	1828
Apr.	8	Presented to Governor (4/8)	1835
Apr.	12	Approved by Governor (4/12)	1938

LEGISLATIVE BILL 1106A. By Beutler

Feb.	4	Read first time. Placed on General File	614
Feb.	11	Advanced for Review	703
Feb.	22	Placed on Select File	803
Feb.	24	Advanced for Engrossment	859
Mar.	8	Correctly Engrossed	1014
Apr.	8	Final Reading 41-0-8	1826
Apr.	8	President signed	1828
Apr.	8	Presented to Governor (4/8)	1835
Apr.	12	Returned by Governor without approval (4/12)	1938

LEGISLATIVE BILL 1107. By Beutler

Jan.	13	Read first time	320
Jan.	19	Referred to Committee on Banking, Commerce and Insurance	364
Feb.	3	Notice of hearing (2/15)	595
Feb.	3	Pirsch name added	605
Feb.	17	Placed on General File	765
Feb.	23	Banking, Commerce and Insurance Committee priority bill	821
Mar.	3	Advanced for Review	1004
Mar.	11	Placed on Select File - AM5697	1169
Mar.	17	AM5697 (E & R) adopted. Beutler AM3836 adopted. Advanced for Engrossment	1278
Mar.	23	Correctly Engrossed	1379
Mar.	23	ER7450 change	1380
Apr.	5	Final Reading 40-0-9	1693
Apr.	5	Speaker signed	1699
Apr.	5	Presented to Governor (4/5)	1704
Apr.	7	Approved by Governor (4/7)	1813

LEGISLATIVE BILL 1108. By Hall, Byars, Coordsen, Elmer, Hartnett, Robak, Wickersham

Jan. 13 Read first time 320
Jan. 19 Referred to Committee on Health and Human Services 364
Jan. 27 Notice of hearing (2/9) 521
Feb. 14 Indefinitely postponed 721

LEGISLATIVE BILL 1109. By Byars, Lynch

Jan. 13 Read first time 320
Jan. 19 Referred to Committee on Business and Labor 364
Feb. 2 Notice of hearing (2/15) 576
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1110. By Vrtiska, Rasmussen

Jan. 13 Read first time 325
Jan. 19 Referred to Committee on Health and Human Services 364
Jan. 27 Notice of hearing (2/3) 520
Feb. 15 Placed on General File - Com AM3157 746
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1110 amended into LB 1223 by AM3613)

LEGISLATIVE BILL 1111. By Kristensen

Jan. 13 Read first time 325
Jan. 18 Elmer name added 362
Jan. 19 Referred to Committee on Revenue 364
Feb. 1 Notice of hearing (2/25) 561
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1112. By Crosby

Jan. 13 Read first time 325
Jan. 19 Referred to Committee on Revenue 365
Jan. 26 Notice of hearing (2/4) 504
Feb. 8 Indefinitely postponed 637

LEGISLATIVE BILL 1113. By Cudaback

Jan. 13 Read first time 326
Jan. 19 Referred to Committee on Revenue 365
Jan. 26 Notice of hearing (2/3) 504
Feb. 15 Placed on General File - Com AM3125 747

Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1113 amended into LB 1257 by AM4449)

LEGISLATIVE BILL 1114. By Cudaback

Jan. 13 Read first time 326
Jan. 19 Referred to Committee on Urban Affairs 365
Jan. 25 Notice of hearing (2/8) 490
Feb. 10 Placed on General File - Com AM3080 681
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1115. By Health and Human Services Committee

Jan. 13 Read first time 326
Jan. 19 Referred to Committee on Health and Human Services 365
Jan. 19 Notice of hearing (1/27) 371
Mar. 31 Placed on General File - Com AM4084 1681
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1116. By Beutler

Jan. 13 Read first time 326
Jan. 19 Referred to Committee on Judiciary 365
Jan. 19 Notice of hearing (1/26) 381
Jan. 27 Placed on General File 523
Feb. 11 Advanced for Review 703
Feb. 22 Placed on Select File 803
Feb. 24 Advanced for Engrossment 859
Mar. 8 Correctly Engrossed 1014
Mar. 15 Final Reading 43-0-6 1208
Mar. 15 Speaker signed 1210
Mar. 15 Presented to Governor (3/15) 1213
Mar. 16 Approved by Governor (3/15) 1248

LEGISLATIVE BILL 1117. By Lindsay, Wesely

Jan. 13 Read first time 330
Jan. 19 Referred to Committee on Judiciary 365
Jan. 27 Notice of hearing (2/4) 520
Feb. 10 Placed on General File 681
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1118. By Cudaback, Engel, Jones, Schmitt, Wehrbein

Jan. 13 Read first time 330
Jan. 19 Referred to Committee on Banking,

Commerce and Insurance 365
Feb. 1 Notice of hearing (2/8) 556
Feb. 17 Placed on General File - Com AM3135 766
Apr. 6 Committee AM3135 adopted. Advanced for Review ... 1752
Apr. 11 Placed on Select File - AM5744 1850
Apr. 12 AM5744 (E & R) adopted.
Advanced for Engrossment 1935
Apr. 12 Correctly Engrossed 1961
Apr. 14 Rasmussen motion to suspend rules prevailed 2072
Apr. 14 Final Reading 44-0-5 2085
Apr. 14 President signed 2091
Apr. 14 Presented to Governor (4/14) 2093
Apr. 21 Approved by Governor (4/19) 2149

LEGISLATIVE BILL 1119. By Bromm

Jan. 13 Read first time 330
Jan. 19 Referred to Committee on Urban Affairs 365
Jan. 26 Notice of hearing (2/8) 503
Feb. 10 Placed on General File 681
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1120. By Bromm

Jan. 13 Read first time 330
Jan. 19 Referred to Committee on Urban Affairs 365
Jan. 25 Notice of hearing (2/1) 490
Feb. 10 Placed on General File - Com AM3081 682
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1121. By Hillman, Hall, Pedersen, Wickersham

Jan. 13 Read first time 330
Jan. 19 Referred to Committee on Transportation 365
Jan. 25 Notice of hearing (2/22)
by Urban Affairs Committee 490
Jan. 26 Notice of hearing (2/22) (Cancel)
by Urban Affairs Committee 503
Jan. 27 Notice of hearing (2/15) 514
Mar. 10 Indefinitely postponed 1081

LEGISLATIVE BILL 1122. By Avery, Jones, McKenzie, Vrtiska

Jan. 18 Read first time 338
Jan. 20 Referred to Committee on Natural Resources 390
Jan. 27 Notice of hearing (2/3) 511
Mar. 30 Placed on General File - Com AM3978 1650

Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1122 amended into LB 1349 by AM4515)

LEGISLATIVE BILL 1123. By Lynch, Byars, Hartnett

Jan. 18 Read first time 338
Jan. 20 Referred to Committee on Education 390
Feb. 1 Notice of hearing (2/8) 555
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1124. By Wickersham

Jan. 18 Read first time 338
Jan. 20 Referred to Committee on Natural Resources 390
Feb. 2 Notice of hearing (2/9) 571
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1125. By Haberman

Jan. 18 Read first time 339
Jan. 20 Referred to Committee on Natural Resources 390
Feb. 15 Notice of hearing (2/23) 736
Feb. 28 Indefinitely postponed 902
Mar. 22 Attorney General's Opinion #94017 to Cudaback 1299

LEGISLATIVE BILL 1126. By Withem

Jan. 18 Read first time 339
Jan. 20 Referred to Committee on Banking, Commerce and Insurance 390
Feb. 3 Notice of hearing (2/22) 595
Feb. 24 Placed on General File 844
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1126 amended into LB 1222 by AM3445)

LEGISLATIVE BILL 1127. By Cudaback

Jan. 18 Read first time 339
Jan. 20 Referred to Committee on Urban Affairs 390
Jan. 25 Notice of hearing (2/1) 490
Feb. 3 Placed on General File - Com AM2956 600
Feb. 23 Cudaback priority bill 821
Mar. 3 Committee AM2956 adopted. Advanced for Review ... 1001
Mar. 10 Placed on Select File - AM5687 1111
Mar. 17 AM5687 (E & R) adopted. Advanced for Engrossment 1275
Mar. 23 Correctly Engrossed 1379
Mar. 30 Final Reading w/E 43-0-6 1584
Mar. 30 Speaker signed 1587

Mar. 30 Presented to Governor (3/30) 1601
Apr. 5 Approved by Governor (4/1) 1688

LEGISLATIVE BILL 1128. By Hartnett

Jan. 18 Read first time 339
Jan. 20 Referred to Committee on Natural Resources 390
Feb. 2 Notice of hearing (2/10) 571
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1129. By Matzke

Jan. 18 Read first time 340
Jan. 20 Referred to Committee on Judiciary 391
Jan. 26 Notice of hearing (2/2) 504
Feb. 10 Placed on General File 681
Feb. 10 Matzke priority bill 690
Feb. 22 Advanced for Review 799
Feb. 28 Placed on Select File - AM5673 904
Mar. 1 Kristensen AM3441 printed 932
Mar. 2 Chambers AM3484 printed 970
Mar. 2 Matzke AM3491 printed 976
Mar. 11 AM5673 (E & R) adopted. Kristensen pending AM3441 p. 932 withdrawn. Chambers pending AM3484 p. 970 pending 1142
Mar. 11 Chambers pending AM3484 p. 970 lost. Chambers FA430 lost 1143
Mar. 11 Chambers FA431 and FA432 printed 1161
Mar. 16 Witek FA449, Chambers FA450, and Chambers pending FA431 p. 1161 lost 1250
Mar. 16 Matzke pending AM3491 p. 976 adopted as amended by Chambers pending FA432 p. 1161. Advanced for Engrossment 1254
Mar. 23 Correctly Engrossed. ER7439 change 1333
Mar. 30 Final Reading 40-0-9 1581
Mar. 30 Speaker signed 1587
Mar. 30 Presented to Governor (3/30) 1601
Apr. 5 Approved by Governor (4/4) 1689

LEGISLATIVE BILL 1130. By Beutler

Jan. 18 Read first time 340
Jan. 20 Referred to Committee on Urban Affairs 391
Jan. 25 Notice of hearing (2/8) 490
Feb. 10 Placed on General File - Com AM3034 683
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1131. By Beutler

Jan. 18 Read first time 341
Jan. 20 Referred to Committee on Natural Resources 391
Jan. 20 Notice of hearing (1/27) 412
Feb. 1 Placed on General File 564
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1131 amended into LB 1349 by AM4357)

LEGISLATIVE BILL 1132. By Robak

Jan. 18 Read first time 341
Jan. 20 Referred to Committee on Banking, Commerce and Insurance 391
Feb. 3 Notice of hearing (2/28) 595
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1133. By Schimek

Jan. 18 Read first time 341
Jan. 20 Referred to Committee on Government, Military and Veterans Affairs 391
Feb. 2 Notice of hearing (2/9) 569
Mar. 2 Indefinitely postponed 966

LEGISLATIVE BILL 1134. By Schimek

Jan. 18 Read first time 341
Jan. 20 Referred to Committee on Appropriations 391
Feb. 8 Notice of hearing (2/15) 618
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1135. By Schimek

Jan. 18 Read first time 341
Jan. 20 Referred to Committee on Government, Military and Veterans Affairs 391
Feb. 2 Notice of hearing (2/9) 569
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1136. By Byars

Jan. 18 Read first time 341
Jan. 20 Referred to Committee on Health and Human Services 391
Jan. 27 Notice of hearing (2/17) 521
Feb. 2 Lynch name added 575
Feb. 23 Byars priority bill 822
Mar. 9 Placed on General File - Com AM3593 1068
Mar. 16 Byars AM3796 printed 1253
Mar. 24 Committee AM3593 adopted as amended

by Rasmussen FA460. Byars AM3729, Byars pending AM3796 p. 1253, and Hall FA461 adopted. Advanced for Review 1397
Mar. 28 Placed on Select File - AM5725 1495
Apr. 7 AM5725 (E & R) adopted. Byars-Hall AM4314 adopted. Moore FA540 lost. Advanced for Engrossment 1816
Apr. 11 Correctly Engrossed 1861
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading 36-6-7 2044
Apr. 13 Speaker signed 2050
Apr. 14 Presented to Governor (4/13) 2054
Apr. 21 Approved by Governor (4/19) 2148
(Provisions/portions of LB 1177 amended into LB 1136 by AM3593)

LEGISLATIVE BILL 1136A. By Byars

Mar. 14 Read first time. Placed on General File 1193
Mar. 16 Byars AM3794 printed 1254
Mar. 24 Byars pending AM3794 p. 1254 withdrawn. Byars-Hall FA462 adopted. Advanced for Review 1399
Mar. 24 McKenzie AM3795 to AM3794 printed 1404
Mar. 28 Placed on Select File - AM5726 1497
Apr. 7 AM5726 (E & R) adopted. McKenzie pending AM3795 p. 1404 withdrawn. Byars-Hall AM4287 adopted. Advanced for Engrossment 1818
Apr. 8 Correction 1822
Apr. 11 Correctly Engrossed 1861
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading 35-9-5 2044
Apr. 13 Speaker signed 2050
Apr. 14 Presented to Governor (4/13) 2054
Apr. 21 Approved by Governor with line-item veto (4/19) 2148
Apr. 21 Message from Secretary of State 2157
Apr. 21 Certificate 2158

LEGISLATIVE BILL 1137. By Byars

Jan. 18 Read first time 342
Jan. 20 Referred to Committee on Health and Human Services 391
Jan. 27 Notice of hearing (2/17) 521
Mar. 25 Placed on General File - Com AM3474 1432
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1137 amended into LB 1210 by AM4332)

LEGISLATIVE BILL 1138. By McKenzie

Jan. 18 Read first time 342
Jan. 20 Referred to Committee on Education 391
Feb. 1 Notice of hearing (2/8) 555
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1139. By Hartnett, Avery, Pedersen, Withem

Jan. 18 Read first time 351
Jan. 20 Referred to Committee on Government, Military and Veterans Affairs 391
Feb. 3 Hartnett priority bill 595
Feb. 4 Notice of hearing (2/11) 608
Feb. 4 Withem name withdrawn 616
Feb. 17 Placed on General File - Com AM3252 ..... 771 (printed separate)
Feb. 28 Hartnett AM3425 to committee AM3252 printed 919
Mar. 1 Committee AM3252 adopted as amended by Hartnett pending AM3425 p. 919. Advanced for Review 925
Mar. 9 Placed on Select File - AM5685 ..... 1055 (printed separate)
Mar. 10 Hartnett AM3607 to AM5685 printed 1103
Mar. 16 Hartnett AM3817 to AM5685 printed 1261
Mar. 17 AM5685 (E & R) adopted. Hartnett pending AM3607 p. 1103 withdrawn. Hartnett pending AM3817 p. 1261 adopted. Advanced for Engrossment 1274
Mar. 22 Pedersen name withdrawn 1326
Mar. 23 Correctly Engrossed 1379
Mar. 23 ER7449 change 1380
Apr. 5 Pedersen motion to return to Select File for FA518 and Hartnett motion to return to Select File for FA519 withdrawn. Final Reading 42-1-6 1694
Apr. 5 Speaker signed 1699
Apr. 5 Presented to Governor (4/5) 1704
Apr. 7 Approved by Governor (4/7) 1813

LEGISLATIVE BILL 1140. By Hillman, Ashford, Beutler, Bromm, Hall, Matzke, Monen

Jan. 18 Read first time 351
Jan. 20 Referred to Committee on Judiciary 391
Jan. 26 Notice of hearing (2/2) 504
Feb. 3 Indefinitely postponed 598

LEGISLATIVE BILL 1141. By Fisher

Jan. 18 Read first time 352
Jan. 20 Referred to Committee on Banking, Commerce and Insurance 391
Feb. 3 Notice of hearing (2/15) 595
Feb. 17 Placed on General File - Com AM3247 767
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1141 amended into LB 974 by AM3710)

LEGISLATIVE BILL 1142. By Pedersen, Bromm, Fisher, Hartnett, Hudkins, Janssen, Robak, Schellpeper

Jan. 18 Read first time 352
Jan. 20 Referred to Committee on Judiciary 391
Jan. 26 Notice of hearing (2/2) 504
Feb. 8 Indefinitely postponed 626

LEGISLATIVE BILL 1143. By Schimek, Withem

Jan. 18 Read first time 352
Jan. 20 Referred to Committee on Government, Military and Veterans Affairs 391
Jan. 25 Notice of hearing (2/3) 480
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1143 amended into LB 76 by AM3044)

LEGISLATIVE BILL 1144. By Bromm, Jones, Robak, Robinson

Jan. 18 Read first time 352
Jan. 20 Referred to Committee on Revenue 391
Jan. 27 Notice of hearing (2/10) 513
Feb. 22 Indefinitely postponed 801

LEGISLATIVE BILL 1145. By Lynch, Moore

Jan. 18 Read first time 352
Jan. 20 Referred to Committee on Government, Military and Veterans Affairs 391
Jan. 25 Notice of hearing (2/2) 480
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1146. By Rasmussen

Jan. 18 Read first time 353
Jan. 20 Referred to Committee on Education 391
Feb. 1 Notice of hearing (2/14) 555
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1147. By Lindsay

Jan. 18 Read first time 353
Jan. 20 Referred to Committee on Banking, Commerce and Insurance 391
Feb. 3 Notice of hearing (2/15) 595
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1148. By Lindsay

Jan. 18 Read first time 353
Jan. 20 Referred to Committee on Judiciary 391
Feb. 15 Notice of hearing (2/24) 737
Feb. 25 Indefinitely postponed 892

LEGISLATIVE BILL 1149. By Hall, Day, Lindsay, McKenzie, Will

Jan. 18 Read first time 353
Jan. 20 Referred to Committee on Health and Human Services 391
Jan. 27 Notice of hearing (2/17) 521
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1150. By Bromm

Jan. 18 Read first time 359
Jan. 20 Referred to Committee on Transportation 391
Jan. 27 Notice of hearing (2/28) 514
Mar. 2 Placed on General File 978
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1151. By Ashford, Abboud, Bernard-Stevens, Bohlke, Crosby, Day, Hartnett, Lynch, Rasmussen, Will, Withem

Jan. 18 Read first time 360
Jan. 20 Referred to Committee on Revenue 391
Jan. 27 Notice of hearing (2/17) 525
Feb. 28 Indefinitely postponed 909
(Provisions/portions of LB 1151 amended into LB 961 by AM4541)

LEGISLATIVE BILL 1152. By Kristensen, Crosby, McKenzie, Witek

Jan. 18 Read first time 360
Jan. 20 Referred to Committee on Business and Labor 391
Feb. 2 Notice of hearing (2/15) 576
Feb. 11 McKenzie name withdrawn 707
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1153. By General Affairs Committee

Jan. 18 Read first time 360
Jan. 20 Referred to Committee on General Affairs 391
Feb. 1 Notice of hearing (2/14) 561
Feb. 23 General Affairs Committee priority bill 821
Feb. 23 Placed on General File - Com AM3335 829
Mar. 2 Schellpeper AM3495 to committee AM3335 printed 988
Mar. 3 Committee AM3335 adopted as amended by Schellpeper pending AM3495 p. 988. Advanced for Review 1005
Mar. 11 Placed on Select File - AM5696 1169
Mar. 17 AM5696 (E & R) adopted. Advanced for Engrossment 1278
Mar. 23 Correctly Engrossed 1379
Apr. 5 Final Reading w/E 38-0-11 1695
Apr. 5 Speaker signed 1699
Apr. 5 Presented to Governor (4/5) 1704
Apr. 7 Approved by Governor (4/7) 1813

LEGISLATIVE BILL 1154. By Schellpeper

Jan. 18 Read first time 360
Jan. 20 Referred to Committee on Revenue 391
Jan. 27 Notice of hearing (2/11) 513
Feb. 22 Indefinitely postponed 801

LEGISLATIVE BILL 1155. By Hillman, Bernard-Stevens, Day, Fisher, Hall, Preister, Schmitt, Withem

Jan. 18 Read first time 360
Jan. 20 Referred to Committee on Transportation 391
Jan. 24 Engel name added 475
Jan. 27 Notice of hearing (2/14) 514
Mar. 10 Indefinitely postponed 1081

LEGISLATIVE BILL 1156. By Hillman, Day, Fisher, Hall, Preister, Schmitt, Withem

Jan. 18 Read first time 361
Jan. 20 Referred to Committee on Transportation 391
Jan. 24 Engel name added 475
Jan. 27 Notice of hearing (2/14) 514
Mar. 10 Indefinitely postponed 1081

LEGISLATIVE BILL 1157. By Hillman, Day, Fisher, Hall, Preister, Schmitt, Withem

Jan. 18 Read first time 361
Jan. 20 Referred to Committee on Transportation 391

Jan. 24 Engel name added 475
Jan. 27 Notice of hearing (2/14) 514
Mar. 10 Indefinitely postponed 1081

LEGISLATIVE BILL 1158. By Hillman, Day, Fisher, Hall, Preister, Schmitt

Jan. 18 Read first time 361
Jan. 20 Referred to Committee on Transportation 391
Jan. 24 Engel name added 475
Jan. 27 Notice of hearing (2/14) 514
Mar. 10 Indefinitely postponed 1081

LEGISLATIVE BILL 1159. By Hudkins, Coordsen, Crosby, Jones, Lynch, Pedersen

Jan. 18 Read first time 361
Jan. 20 Referred to Committee on Revenue 391
Jan. 27 Notice of hearing (2/23) 525
Feb. 28 Indefinitely postponed 909

LEGISLATIVE BILL 1160. By Warner

Jan. 19 Read first time 367
Jan. 21 Referred to Committee on Revenue 434
Jan. 27 Notice of hearing (2/10) 513
Feb. 22 Elmer priority bill 786
Feb. 23 Placed on General File - Com AM3282 815
Feb. 28 Committee AM3282 adopted.
Advanced for Review 903
Mar. 8 Placed on Select File - AM5686 1013
Apr. 5 AM5686 (E & R) adopted.
Advanced for Engrossment 1697
Apr. 7 Correctly Engrossed. ER7462 change 1812
Apr. 12 Final Reading w/E 45-0-4 1963
Apr. 12 Speaker signed 1970
Apr. 13 Presented to Governor (4/12) 1982
Apr. 21 Approved by Governor (4/18) 2145

LEGISLATIVE BILL 1160A. By Warner

Mar. 1 Read first time. Placed on General File 946
Mar. 15 Advanced for Review 1209
Mar. 23 Placed on Select File 1366
Apr. 5 Advanced for Engrossment 1697
Apr. 7 Correctly Engrossed 1812
Apr. 12 Final Reading w/E 44-0-5 1964
Apr. 12 Speaker signed 1970

Apr. 13 Presented to Governor (4/12) 1982
Apr. 21 Approved by Governor (4/18) 2145

LEGISLATIVE BILL 1161. By Withem

Jan. 19 Read first time 368
Jan. 21 Referred to Committee on Education 434
Feb. 1 Notice of hearing (2/22) 555
Feb. 25 Speaker priority bill 875
Feb. 25 Placed on General File 891
Mar. 11 Advanced for Review 1168
Mar. 22 Placed on Select File - AM5706 1293
Apr. 7 AM5706 (E & R) adopted.
Advanced for Engrossment 1798
Apr. 11 Correctly Engrossed 1851
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading 39-1-9 2024
Apr. 13 President signed 2033
Apr. 13 Presented to Governor (4/13) 2051
Apr. 21 Approved by Governor (4/19) 2148

LEGISLATIVE BILL 1162. By Withem

Jan. 19 Read first time 368
Jan. 21 Referred to Committee on Banking,
Commerce and Insurance 434
Feb. 3 Notice of hearing (2/22) 595
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1163. By Coordsen

Jan. 19 Read first time 368
Jan. 21 Referred to Committee on Education 434
Feb. 1 Notice of hearing (2/15) 555
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1164. By Ashford

Jan. 19 Read first time 368
Jan. 21 Referred to Committee on Business and Labor 434
Feb. 2 Notice of hearing (2/14) 576
Feb. 16 Placed on General File 756
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1165. By Bernard-Stevens

Jan. 19 Read first time 369
Jan. 21 Referred to Committee on Agriculture 434
Jan. 25 Notice of hearing (2/1) 490

Feb. 8 Placed on General File - Com AM2988 638
Mar. 1 Beutler AM3423 printed 932
Mar. 17 Committee AM2988 adopted. Beutler pending AM3423 p. 932 adopted. Advanced for Review 1285
Mar. 28 Placed on Select File - AM5721 (printed separate) 1451
Apr. 7 AM5721 (E & R) adopted. Advanced for Engrossment 1798
Apr. 11 Correctly Engrossed 1858
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading 44-0-5 2038
Apr. 13 Speaker signed 2042
Apr. 13 Presented to Governor (4/13) 2051
Apr. 21 Approved by Governor (4/19) 2148

LEGISLATIVE BILL 1166. By Landis

Jan. 19 Read first time 369
Jan. 21 Referred to Committee on Education 434
Feb. 1 Notice of hearing (2/22) 556
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1167. By Landis

Jan. 19 Read first time 369
Jan. 21 Referred to Committee on General Affairs 434
Jan. 21 Will name added 448
Feb. 9 Notice of hearing (2/22) 665
Feb. 23 Placed on General File 829
Feb. 24 Robak name added 874
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1167 amended into LB 1292 by AM4051)

LEGISLATIVE BILL 1168. By Kristensen

Jan. 19 Read first time 369
Jan. 21 Referred to Committee on Appropriations 434
Feb. 8 Notice of hearing (2/14) 636
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1169. By Wehrbein

Jan. 19 Read first time 369
Jan. 21 Referred to Committee on Judiciary 434
Feb. 9 Notice of hearing (2/17) 664
Feb. 24 Indefinitely postponed 843

LEGISLATIVE BILL 1170. By Beutler

Jan. 19 Read first time 372
Jan. 21 Referred to Committee on Natural Resources 434
Feb. 15 Notice of hearing (2/24) 737
Feb. 28 Placed on General File 902
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1171. By Beutler

Jan. 19 Read first time 372
Jan. 21 Referred to Committee on Government, Military and Veterans Affairs 434
Feb. 2 Notice of hearing (2/9) 569
Mar. 2 Indefinitely postponed 966

LEGISLATIVE BILL 1172. By Beutler

Jan. 19 Read first time 372
Jan. 21 Referred to Committee on Business and Labor 435
Feb. 2 Notice of hearing (2/14) 576
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1173. By Beutler

Jan. 19 Read first time 372
Jan. 21 Referred to Committee on Judiciary 435
Feb. 9 Notice of hearing (2/16) 664
Feb. 17 Indefinitely postponed 777

LEGISLATIVE BILL 1174. By Hartnett, Avery, Withem

Jan. 19 Read first time 373
Jan. 21 Referred to Committee on Revenue 435
Jan. 26 Notice of hearing (2/4) 504
Feb. 8 Placed on General File 637
Feb. 23 Ashford priority bill 827
Feb. 24 Ashford-Landis-Hartnett AM4005 printed 863
Mar. 22 Ashford AM3871 printed 1328
Apr. 5 Ashford FA521 printed 1692
Apr. 5 Avery-Pedersen-Hartnett-Withem AM4335 printed 1719
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1174 amended into LB 1175 by AM4355)

LEGISLATIVE BILL 1175. By Avery, Hartnett, Withem

Jan. 19 Read first time 373
Jan. 21 Referred to Committee on Revenue 435
Jan. 27 Notice of hearing (2/16) 525

Feb. 22 Placed on General File 800
Apr. 6 Hartnett AM4355 and Moore AM4380 adopted. Advanced for Review 1755
Apr. 11 Placed on Select File - AM5746 1850
Apr. 12 AM5746 (E & R) adopted. Hillman AM4473 adopted. Advanced for Engrossment 1935
Apr. 12 Correctly Engrossed. ER7486 change 1953
Apr. 14 Rasmussen motion to suspend rules prevailed 2072
Apr. 14 Final Reading 46-0-3 2080
Apr. 14 President signed 2091
Apr. 14 Presented to Governor (4/14) 2093
Apr. 21 Approved by Governor (4/19) 2148
(Provisions/portions of LB 1174 amended into LB 1175 by AM4355)

LEGISLATIVE BILL 1176. By Rasmussen

Jan. 19 Read first time 373
Jan. 21 Referred to Committee on Banking, Commerce and Insurance 435
Feb. 3 Notice of hearing (2/22) 595
Mar. 1 Placed on General File - Com AM3415 937
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1176 amended into LB 1222 by AM3445)

LEGISLATIVE BILL 1177. By Rasmussen, Byars, Wesely

Jan. 19 Read first time 373
Jan. 21 Referred to Committee on Health and Human Services 435
Jan. 27 Notice of hearing (2/17) 521
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1177 amended into LB 1136 by AM3593)

LEGISLATIVE BILL 1178. By Robak, Wesely

Jan. 19 Read first time 373
Jan. 21 Referred to Committee on Health and Human Services 435
Jan. 27 Notice of hearing (2/23) 521
Feb. 28 Placed on General File - Com AM4011 913
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1179. By Robak

Jan. 19 Read first time 373
Jan. 21 Referred to Committee on Health and Human Services 435
Jan. 27 Notice of hearing (2/23) 521
Feb. 28 Indefinitely postponed 914

LEGISLATIVE BILL 1180. By Robak

Jan. 19 Read first time 373
Jan. 21 Referred to Committee on Health and Human Services 435
Jan. 27 Notice of hearing (2/23) 521
Feb. 28 Indefinitely postponed 914

LEGISLATIVE BILL 1181. By Robak, Crosby, Wehrbein

Jan. 19 Read first time 374
Jan. 21 Referred to Committee on Education 435
Feb. 1 Notice of hearing (2/8) 555
Feb. 9 Indefinitely postponed 659

LEGISLATIVE BILL 1182. By Wickersham

Jan. 19 Read first time 374
Jan. 21 Referred to Committee on Judiciary 435
Jan. 26 Notice of hearing (2/2) 504
Feb. 3 Placed on General File 597
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1182 amended into LB 188 by AM4581)

LEGISLATIVE BILL 1183. By Wickersham

Jan. 19 Read first time 374
Jan. 21 Referred to Committee on Banking, Commerce and Insurance 435
Feb. 1 Notice of hearing (2/8) 556
Feb. 17 Placed on General File 765
Feb. 23 Banking, Commerce and Insurance Committee priority bill 821
Mar. 3 Advanced for Review 1004
Mar. 11 Placed on Select File 1169
Mar. 17 Advanced for Engrossment 1278
Mar. 23 Correctly Engrossed 1379
Apr. 5 Final Reading 44-0-5 1696
Apr. 5 Speaker signed 1699
Apr. 5 Presented to Governor (4/5) 1704
Apr. 7 Approved by Governor (4/7) 1813

LEGISLATIVE BILL 1184. By Rasmussen, Schimek, Withem

Jan. 19 Read first time 374
Jan. 21 Referred to Committee on Education 435
Jan. 25 Notice of hearing (2/1) 490

Feb. 24 Placed on General File - Com AM3381 871
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1185. By Coordsen, McKenzie

Jan. 19 Read first time 374
Jan. 21 Referred to Committee on Judiciary 435
Jan. 26 Notice of hearing (2/2) 504
Feb. 3 Indefinitely postponed 598

LEGISLATIVE BILL 1186. By Coordsen, McKenzie

Jan. 19 Read first time 374
Jan. 21 Referred to Committee on Natural Resources 435
Feb. 9 Notice of hearing (2/17) 664
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1187. By Coordsen, Bohlke, McKenzie

Jan. 19 Read first time 375
Jan. 21 Referred to Committee on Natural Resources 435
Feb. 9 Notice of hearing (2/17) 664
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1188. By Cudaback, Bromm, Dierks, Jones

Jan. 19 Read first time 375
Jan. 21 Referred to Committee on Urban Affairs 435
Jan. 25 Notice of hearing (2/22) 490
Feb. 23 Urban Affairs Committee priority bill 817
Feb. 24 Placed on General File - Com AM3354 872
Mar. 11 Committee AM3354 adopted. Cudaback AM3694 withdrawn. Advanced for Review 1162
Mar. 22 Placed on Select File 1291
Apr. 6 Hillman AM4234 printed 1773
Apr. 7 Hillman pending AM4234 p. 1773 withdrawn. Advanced for Engrossment 1797
Apr. 11 Correctly Engrossed 1851
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading 35-4-10 2025
Apr. 13 President signed 2033
Apr. 13 Presented to Governor (4/13) 2051
Apr. 21 Approved by Governor (4/18) 2145

LEGISLATIVE BILL 1189. By Cudaback, Bromm, Dierks, Jones, Schellpeper, Wickersham

Jan. 19 Read first time 375
Jan. 21 Referred to Committee on Transportation 435

Jan. 27 Notice of hearing (2/28) 514
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1190. By Cudaback, Dierks, Jones, McKenzie, Schellpeper

Jan. 19 Read first time 375
Jan. 21 Referred to Committee on Revenue 435
Jan. 27 Notice of hearing (2/11) 513
Feb. 22 Indefinitely postponed 801

LEGISLATIVE BILL 1191. By Appropriations Committee

Jan. 19 Read first time 375
Jan. 21 Referred to Committee on Appropriations 435
Jan. 25 Notice of hearing (2/1) by Urban Affairs Committee 490
Jan. 27 Hartnett motion to suspend rules prevailed.
Notice of hearing (2/1) (Cancel)
By Urban Affairs Committee 510
Feb. 8 Notice of hearing (2/16) 618
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1191 amended into LB 1194 by AM3459)

LEGISLATIVE BILL 1192. By Appropriations Committee

Jan. 19 Read first time 375
Jan. 21 Referred to Committee on Appropriations 435
Feb. 8 Notice of hearing (2/16) 618
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1192 amended into LB 1194 by AM3459)

LEGISLATIVE BILL 1193. By Appropriations Committee

Jan. 19 Read first time 375
Jan. 21 Referred to Committee on Appropriations 435
Feb. 8 Notice of hearing (2/16) 618
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1193 amended into LB 1194 by AM3459)

LEGISLATIVE BILL 1194. By Appropriations Committee

Jan. 19 Read first time 376
Jan. 21 Referred to Committee on Appropriations 435
Feb. 8 Notice of hearing (2/16) 618
Mar. 8 Placed on General File - Com AM3459 1036
(printed separate)
Mar. 10 Committee AM3459 adopted. Advanced for Review ... 1123
Mar. 15 Placed on Select File - AM5702 1220
Mar. 22 AM5702 (E & R) adopted.

Advanced for Engrossment 1324
Mar. 24 Correctly Engrossed 1418
Mar. 24 ER7451 change 1419
Apr. 7 Final Reading 44-0-5 1781
Apr. 7 Speaker signed 1786
Apr. 7 Presented to Governor (4/7) 1789
Apr. 12 Approved by Governor (4/12) 1938
(Provisions/portions of LB 1191 amended into LB 1194 by AM3459)
(Provisions/portions of LB 1192 amended into LB 1194 by AM3459)
(Provisions/portions of LB 1193 amended into LB 1194 by AM3459)
(Provisions/portions of LB 1195 amended into LB 1194 by AM3459)
(Provisions/portions of LB 1196 amended into LB 1194 by AM3459)
(Provisions/portions of LB 1197 amended into LB 1194 by AM3459)
(Provisions/portions of LB 1198 amended into LB 1194 by AM3459)
(Provisions/portions of LB 1199 amended into LB 1194 by AM3459)

LEGISLATIVE BILL 1195. By Appropriations Committee

Jan. 19 Read first time 376
Jan. 21 Referred to Committee on Appropriations 435
Feb. 8 Notice of hearing (2/16) 618
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1195 amended into LB 1194 by AM3459)

LEGISLATIVE BILL 1196. By Appropriations Committee

Jan. 19 Read first time 376
Jan. 21 Referred to Committee on Appropriations 435
Feb. 8 Notice of hearing (2/16) 618
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1196 amended into LB 1194 by AM3459)

LEGISLATIVE BILL 1197. By Appropriations Committee

Jan. 19 Read first time 376
Jan. 21 Referred to Committee on Appropriations 435
Feb. 8 Notice of hearing (2/16) 618
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1197 amended into LB 1194 by AM3459)

LEGISLATIVE BILL 1198. By Appropriations Committee

Jan. 19 Read first time 376
Jan. 21 Referred to Committee on Appropriations 435
Feb. 8 Notice of hearing (2/16) 618
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1198 amended into LB 1194 by AM3459)

LEGISLATIVE BILL 1199. By Appropriations Committee

Jan. 19 Read first time 376
Jan. 21 Referred to Committee on Appropriations 435
Feb. 8 Notice of hearing (2/16) 618
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1199 amended into LB 1194 by AM3459)

LEGISLATIVE BILL 1200. By Rasmussen, Day

Jan. 19 Read first time 377
Jan. 21 Referred to Committee on Health and Human Services 435
Jan. 24 Schmitt name added 475
Jan. 27 Notice of hearing (2/16) 521
Feb. 25 Speaker priority bill 875
Feb. 28 Will name added 908
Mar. 24 Placed on General File - Com AM3849 1404
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1201. By Warner

Jan. 19 Read first time 377
Jan. 21 Referred to Committee on Government, Military and Veterans Affairs 435
Feb. 2 Notice of hearing (2/9) 569
Feb. 15 Placed on General File - Com AM3193 733
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1202. By Warner

Jan. 19 Read first time 377
Jan. 19 Fisher name added 388
Jan. 21 Referred to Committee on Transportation 435
Jan. 27 Notice of hearing (2/28) 514
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1203. By Wickersham

Jan. 19 Read first time 377
Jan. 21 Referred to Committee on Government, Military and Veterans Affairs 435
Feb. 3 Notice of hearing (2/10) 580
Mar. 2 Placed on General File - Com AM3148 965
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1204. By Bohlke, Beutler, Dierks, Janssen, Preister

Jan. 19 Read first time 381
Jan. 21 Referred to Committee on Natural Resources 435
Feb. 15 Notice of hearing (2/23) 736
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1205. By Bohlke

Jan. 19 Read first time 381
Jan. 21 Referred to Committee on Transportation 435
Jan. 27 Notice of hearing (2/22) 514
Mar. 10 Indefinitely postponed 1115

LEGISLATIVE BILL 1206. By Bohlke, Lynch

Jan. 19 Read first time 381
Jan. 21 Referred to Committee on Education 435
Feb. 1 Notice of hearing (2/14) 555
Feb. 15 Placed on General File 733
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1207. By Beutler, Day

Jan. 19 Read first time 382
Jan. 21 Referred to Committee on Natural Resources 435
Feb. 2 Notice of hearing (2/9) 571
Feb. 10 Placed on General File - Com AM3115 683
Feb. 17 Day priority bill 779
Feb. 23 Schellpeper AM3316 to committee amendment printed 834
Feb. 25 Schellpeper AM3314 to committee amendment printed 889
Mar. 1 Schellpeper pending AM3316 p. 834 lost 926
Mar. 1 Schellpeper pending AM3314 p. 889 withdrawn. Committee AM3115 adopted as amended by Bromm FA390. Robak FA391 withdrawn. Advanced for Review 930
Mar. 9 Placed on Select File - AM5680 (printed separate) 1056
Mar. 11 Day-Hartnett-Beutler AM3652 to AM5680 printed 1147
Mar. 22 Attorney General's Opinion #94016 to Schellpeper 1297
Mar. 22 Pirsch AM3891 to AM5680 printed 1308
Mar. 23 Beutler-Bohlke AM3881 to AM5680 printed 1334
Mar. 24 Schellpeper AM3973 to AM5680 printed 1400
Mar. 24 Wehrbein-Beutler AM3984 to AM5680 printed 1416
Mar. 25 Schellpeper AM3600 to AM5680 printed 1442
Mar. 28 Beutler-Bohlke AM4113 to AM5680 printed 1484
Mar. 29 Schellpeper AM4192 to AM5680 printed 1577

Mar. 31 Schellpeper AM4236 to AM4192 printed 1664
Apr. 5 AM5680 (E & R) adopted. Day et al pending AM3652 p. 1147, Beutler-Bohlke pending AM3881 p. 1334, and Wehrbein-Beutler pending AM3984 p. 1416 adopted. Schellpeper pending AM3600 p. 1442 lost. Pirsch pending AM3891 p. 1308 and Schellpeper pending AM3973 p. 1400 withdrawn 1721
Apr. 5 Beutler-Bohlke pending AM4113 p. 1484, Warner AM4337, and Lindsay AM4327 (on file) adopted. Schellpeper pending AM4192 p. 1577 and AM4236 p. 1664 withdrawn. Advanced for Engrossment 1724
Apr. 6 Lindsay AM4365 printed separate 1769
Apr. 11 Correctly Engrossed 1851
Apr. 11 ER7463 change 1854
Apr. 15 Withem motion to suspend rules prevailed 2096
Apr. 15 Lindsay pending AM4365 p. 1769 withdrawn. Final Reading w/E 42-1-6 2099
Apr. 15 President signed 2109
Apr. 15 Presented to Governor (4/15) 2117
Apr. 21 Approved by Governor (4/20) 2160
(Provisions/portions of LB 985 amended into LB 1207 by AM3984)
(Provisions/portions of LB 994 amended into LB 1207 by AM4327)
(Provisions/portions of LB 1219 amended into LB 1207 by AM4113)

LEGISLATIVE BILL 1207A. By Beutler

Apr. 6 Read first time. Placed on General File 1754
Apr. 11 Advanced for Review 1890
Apr. 11 Placed on Select File 1910
Apr. 13 Advanced for Engrossment 1973
Apr. 13 Correctly Engrossed 1982
Apr. 15 Withem motion to suspend rules prevailed 2096
Apr. 15 Final Reading w/E 38-0-11 2100
Apr. 15 President signed 2109
Apr. 15 Presented to Governor (4/15) 2117
Apr. 21 Approved by Governor with line-item veto (4/20) 2161
Apr. 21 Message from Secretary of State. Certificate 2167

LEGISLATIVE BILL 1208. By Lynch

Jan. 19 Read first time 382
Jan. 21 Referred to Committee on Appropriations 435
Feb. 8 Notice of hearing (2/15) 618
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1209. By Pirsch

Jan.	19	Read first time	382
Jan.	21	Referred to Committee on Business and Labor	435
Feb.	2	Notice of hearing (2/14)	576
Feb.	16	Placed on General File	756
Apr.	15	Indefinitely postponed	2141

LEGISLATIVE BILL 1210. By Health and Human Services Committee

Jan.	19	Read first time	382
Jan.	21	Referred to Committee on Health and Human Services	435
Jan.	26	Notice of hearing (2/2)	504
Feb.	22	Health and Human Services Committee priority bill	803
Mar.	9	Placed on General File - Com AM3517 (printed separate)	1080
Mar.	17	Lynch-Hartnett-Preister-Hall-Will-Lindsay-Monen-Beutler-McKenzie-Rasmussen AM3727 printed separate	1272
Apr.	5	Wesely-Byars AM4332 printed separate	1709
Apr.	5	McKenzie-Lynch-Beutler AM4324 printed separate	1712
Apr.	5	Hall AM4345 printed separate	1733
Apr.	6	Committee AM3517 adopted as amended by Byars-Wesely pending AM4332 p. 1709, McKenzie-Lynch-Beutler substitute AM4366 (on file), Hall-Wesely AM4375 (on file), and Hall FA531. Lynch et al pending AM3727 p. 1272 and Hall pending AM4345 p. 1733 withdrawn. McKenzie et al request to substitute amendment prevailed and McKenzie et al AM4324 p. 1712 withdrawn. Advanced for Review	1757
Apr.	11	Placed on Select File - AM5743 (printed separate)	1863
Apr.	11	McKenzie AM4480 (on file) printed	1910
Apr.	12	AM5743 (E & R) adopted. Wesely AM4530 and McKenzie pending AM4480 p. 1910 adopted. Advanced for Engrossment	1936
Apr.	13	Correctly Engrossed	2008
Apr.	13	ER7490 change	2009
Apr.	15	Withem motion to suspend rules prevailed	2096
Apr.	15	Final Reading w/E 45-0-4	2118
Apr.	15	Speaker signed	2129
Apr.	15	Presented to Governor (4/15)	2139
Apr.	21	Approved by Governor (4/20)	2163

(Provisions/portions of LB 376 amended into LB 1210 by AM4375)
(Provisions/portions of LB 1016 amended into LB 1210 by AM4480)
(Provisions/portions of LB 1078 amended into LB 1210 by AM3517)

(Provisions/portions of LB 1137 amended into LB 1210 by AM4332)
(Provisions/portions of LB 1261 amended into LB 1210 by AM4366)
(Provisions/portions of LB 1303 amended into LB 1210 by AM3517)

LEGISLATIVE BILL 1210A. By McKenzie

Apr.	6	Read first time. Placed on General File	1774
Apr.	11	Advanced for Review	1890
Apr.	11	Placed on Select File	1910
Apr.	12	McKenzie AM4528 adopted. Advanced for Engrossment	1937
Apr.	13	Correctly Engrossed	2008
Apr.	15	Withem motion to suspend rules prevailed	2096
Apr.	15	Final Reading 43-1-5	2120
Apr.	15	Speaker signed	2129
Apr.	15	Presented to Governor (4/15)	2139
Apr.	21	Approved by Governor (4/20)	2163

LEGISLATIVE BILL 1211. By Moore

Jan.	19	Read first time	383
Jan.	21	Referred to Committee on Appropriations	435
Feb.	8	Notice of hearing (2/16)	618
Mar.	8	Placed on General File	1036
Mar.	10	Advanced for Review	1123
Mar.	15	Placed on Select File - AM5700	1220
Mar.	22	AM5700 (E & R) adopted. Advanced for Engrossment	1324
Mar.	24	Correctly Engrossed	1418
Apr.	7	Final Reading w/E 43-0-6	1782
Apr.	7	Speaker signed	1786
Apr.	7	Presented to Governor (4/7)	1789
Apr.	12	Approved by Governor (4/12)	1938

LEGISLATIVE BILL 1211A. By Moore

Mar.	8	Read first time. Placed on General File	1036
Mar.	10	Advanced for Review	1123
Mar.	15	Placed on Select File - AM5699	1220
Mar.	22	AM5699 (E & R) adopted. Advanced for Engrossment	1324
Mar.	24	Correctly Engrossed	1418
Apr.	7	Final Reading w/E 43-0-6	1782
Apr.	7	Speaker signed	1786
Apr.	7	Presented to Governor (4/7)	1789
Apr.	12	Approved by Governor (4/12)	1938

LEGISLATIVE BILL 1212. By Hall

Jan. 19 Read first time 383
Jan. 21 Referred to Committee on Health and Human Services 435
Jan. 27 Notice of hearing (2/4) 520
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1213. By Pedersen, Avery, Bromm, Byars, Coordsen, Cudaback, Day, Dierks, Elmer, Engel, Haberman, Hall, Hillman, Hudkins, Janssen, Jones, Landis, Lindsay, Lynch, Matzke, McKenzie, Moore, Preister, Rasmussen, Robak, Robinson, Schimek, Schmitt, Wehrbein, Wickersham, Witek, Withem

Jan. 19 Read first time 383
Jan. 21 Referred to Committee on Health and Human Services 435
Jan. 27 Notice of hearing (2/23) 521
Feb. 28 Placed on General File 913
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1213A. By Pedersen

Mar. 14 Read first time. Placed on General File 1196
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1214. By Pedersen

Jan. 19 Read first time 384
Jan. 21 Referred to Committee on Judiciary 435
Feb. 15 Notice of hearing (2/25) 737
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1215. By Bohlke

Jan. 19 Read first time 384
Jan. 21 Referred to Committee on Government, Military and Veterans Affairs 435
Feb. 4 Notice of hearing (2/11) 608
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1216. By Engel

Jan. 19 Read first time 384
Jan. 21 Referred to Committee on Appropriations 435
Feb. 1 Notice of hearing (2/8) 560
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1217. By Wickersham, Janssen, McKenzie

Jan. 19 Read first time 384
Jan. 21 Referred to Committee on Education 435
Feb. 1 Notice of hearing (2/14) 555
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1218. By Bromm, Bohlke, Cudaback, Dierks, Janssen, Jones, Pedersen

Jan. 19 Read first time 384
Jan. 21 Referred to Committee on Transportation 435
Jan. 27 Notice of hearing (2/15) 514
Mar. 10 Indefinitely postponed 1115

LEGISLATIVE BILL 1219. By Bohlke, Preister

Jan. 19 Read first time 384
Jan. 21 Referred to Committee on Natural Resources 435
Feb. 9 Notice of hearing (2/17) 664
Mar. 30 Placed on General File - Com AM3947 1588
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1219 amended into LB 1207 by AM4113)

LEGISLATIVE BILL 1220. By Lindsay, Will

Jan. 19 Read first time 385
Jan. 21 Referred to Committee on Judiciary 435
Feb. 15 Notice of hearing (2/23) 737
Feb. 25 Indefinitely postponed 892

LEGISLATIVE BILL 1221. By Will

Jan. 19 Read first time 385
Jan. 21 Referred to Committee on Urban Affairs 436
Jan. 26 Notice of hearing (2/22) 503
Feb. 24 Placed on General File - Com AM3357 872
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1221 amended into LB 630 by AM3577)

LEGISLATIVE BILL 1222. By Wesely, Beutler, Byars, Coordsen, Day, Hall, Landis, Lindsay, Rasmussen, Robak, Vrtiska, at the request of the Governor

Jan. 19 Read first time 385
Jan. 21 Referred to Committee on Banking, Commerce and Insurance 436
Feb. 1 Notice of hearing (2/8) 556
Feb. 17 Placed on General File - Com AM3209 767
Feb. 22 Wesely priority bill 785
Feb. 24 Withem AM3373 printed 861

Mar. 2 Landis AM3445 printed 981
Mar. 14 Committee AM3209 adopted. Withem pending AM3373 p. 861 withdrawn. Landis pending AM3445 p. 861 withdrawn. Advanced for Review 1183
Mar. 23 Placed on Select File - AM5714 (printed separate) 1364
Apr. 5 AM5714 (E & R) adopted. Avery-Wesely AM5714 adopted. Advanced for Engrossment 1700
Apr. 11 Correctly Engrossed 1851
Apr. 11 ER7465 change 1856
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading w/E 42-0-7 2026
Apr. 13 President signed 2033
Apr. 13 Presented to Governor (4/13) 2051
Apr. 15 Approved by Governor (4/15) 2139
(Provisions/portions of LB 1126 amended into LB 1222 by AM3445)
(Provisions/portions of LB 1176 amended into LB 1222 by AM3445)

LEGISLATIVE BILL 1222A. By Wesely

Mar. 1 Read first time. Placed on General File 933
Mar. 14 Advanced for Review 1183
Mar. 23 Placed on Select File 1364
Apr. 5 Advanced for Engrossment 1701
Apr. 11 Correctly Engrossed 1851
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading 42-0-7 2027
Apr. 13 President signed 2033
Apr. 13 Presented to Governor (4/13) 2051
Apr. 15 Approved by Governor (4/15) 2139

LEGISLATIVE BILL 1223. By Wesely, Beutler, Bohlke, Byars, Day, Dierks, Landis, Matzke, McKenzie, Rasmussen, Schellpeper, Vrtiska, at the request of the Governor

Jan. 19 Read first time 385
Jan. 21 Referred to Committee on Health and Human Services 436
Jan. 27 Notice of hearing (2/3) 520
Feb. 17 McKenzie priority bill 782
Mar. 15 Placed on General File - Com AM3613 (printed separate) 1224
Mar. 22 Committee AM3613 adopted. Advanced for Review ... 1310
Mar. 22 Kristensen explanation of vote 1321
Mar. 23 Correction 1333
Mar. 25 Hartnett AM3948 to committee AM3613 printed 1437

Mar. 28 Placed on Select File - AM5730 1489
Apr. 5 AM5730 (E & R) adopted. Hartnett pending AM3948 p. 1437 withdrawn. Wesely AM4279 and Wesely-Byars AM4275 (on file) adopted 1701
Apr. 5 Dierks AM4315 adopted. Advanced for Engrossment 1720
Apr. 11 Correctly Engrossed 1851
Apr. 11 ER7458 change 1856
Apr. 15 Withem motion to suspend rules prevailed 2096
Apr. 15 Final Reading w/E 44-0-5 2102
Apr. 15 President signed 2109
Apr. 15 Presented to Governor (4/15) 2117
Apr. 15 Approved by Governor (4/15) 2139
(Provisions/portions of LB 817 amended into LB 1223 by AM4275)
(Provisions/portions of LB 827 amended into LB 1223 by AM4275)
(Provisions/portions of LB 1110 amended into LB 1223 by AM3613)
(Provisions/portions of LB 1232 amended into LB 1223 by AM4279)
(Provisions/portions of LB 1262 amended into LB 1223 by AM3613)
(Provisions/portions of LB 1263 amended into LB 1223 by AM3613)

LEGISLATIVE BILL 1223A. By Wesely

Mar. 17 Read first time. Placed on General File 1288
Mar. 22 Advanced for Review 1311
Mar. 28 Placed on Select File 1490
Apr. 5 Wesely AM3896, Dierks AM3922, and Wesely AM4312 adopted. Advanced for Engrossment 1720
Apr. 6 Dierks AM4358 printed 1754
Apr. 13 Returned to Select File for Dierks amendment. Dierks pending AM4358 p. 1754 adopted. Advanced for Engrossment 1973
Apr. 13 Correctly Engrossed 1982
Apr. 15 Withem motion to suspend rules prevailed 2096
Apr. 15 Final Reading w/E 44-0-5 2103
Apr. 15 President signed 2109
Apr. 15 Presented to Governor (4/15) 2117
Apr. 15 Approved by Governor (4/15) 2139

LEGISLATIVE BILL 1224. By Wesely, Rasmussen, Ashford, Bohlke, at the request of the Governor

Jan. 19 Read first time 386
Jan. 21 Referred to Committee on Health and Human Services 436
Jan. 27 Notice of hearing (2/10) (1:30 p.m.) (Welfare Reform)
Notice of hearing (2/10) (7:00 p.m.) (Welfare Reform and Child Support
Notice of hearing (2/11) (1:30 p.m.)

(Child Support Provisions only) 521
Feb. 22 Rasmussen priority bill 785
Feb. 28 Abboud name added 908
Mar. 22 Beutler AM3909 printed 1319
Mar. 23 Dierks-Chambers AM3954 printed 1369
Mar. 24 Kristensen AM3993 printed 1421
Mar. 25 Placed on General File - Com AM4049 1447
(printed separate)
Mar. 28 Withem AM4127 to committee AM4049 printed 1510
Mar. 29 Committee AM4049 sustained division of question. Committee FA507 (1) pending 1514
Mar. 29 Committee FA507 (1) adopted as amended by Chambers FA510. Withem pending AM4127 p. 1510 withdrawn. Chambers FA511 withdrawn. Committee FA508 (2) adopted 1525
Mar. 29 Committee FA509 (3) pending. Crosby AM4154 to committee FA509 adopted. Crosby AM4148 lost. Chambers motion to reconsider vote on AM4148 lost 1530
Mar. 29 Crosby AM4147 to committee FA509 lost. Chambers motion to reconsider vote on AM4147 lost 1545
Mar. 29 Dierks-Chambers-Crosby AM4132 lost 1556
Mar. 29 Chambers motion to reconsider AM4132 lost. Beutler-Wesely FA512 to committee FA509 adopted. Chambers FA513 lost. Wesely-Rasmussen motion to invoke cloture prevailed. Committee FA509 (3) adopted as amended. Advanced for Review 1571
Apr. 6 Placed on Select File - AM5732 1749
(printed separate)
Apr. 6 Bernard-Stevens AM3879 printed 1768
Apr. 11 AM5732 (E & R) adopted. Schimek AM4288 pending. Chambers FA542 lost 1857
Apr. 11 Chambers FA543 withdrawn. Schimek pending AM4288 p. 1857 lost as amended by Chambers FA544. Crosby AM4397 pending 1860
Apr. 11 Crosby pending AM4397 p. 1861 lost. Wesely-Rasmussen-Bohlke AM4481 to AM5732 adopted as amended by Rasmussen FA545 and FA546, Chambers FA547, FA548, FA549, and FA552, and Wesely FA550 and FA551 1869
Apr. 11 Dierks-Chambers request to substitute amendment prevailed. Dierks-Chambers pending AM3954 p. 1369 withdrawn. Dierks substitute FA553 lost. Beutler pending AM3909 p. 1319, Kristensen pending AM3993 p. 1421, Bernard-Stevens pending AM3879 p. 1768, and Will AM4203 withdrawn. Coordsen

AM4488 and Chambers FA555 adopted. Beutler FA554 and Crosby FA556 lost 1878
Apr. 11 Hall FA557 withdrawn. Crosby AM4307 lost. Advanced for Engrossment 1887
Apr. 11 Correctly Engrossed. ER7480 change 1909
Apr. 14 Final Reading w/E 38-9-2 2069
Apr. 14 President signed 2091
Apr. 14 Presented to Governor (4/14) 2093
Apr. 21 Approved by Governor (4/20) 2159
(Provisions/portions of LB 826 amended into LB 1224 by AM4049)
(Provisions/portions of LB 1076 amended into LB 1224 by AM4049)

LEGISLATIVE BILL 1224A. By Wesely

Mar. 28 Read first time. Placed on General File 1480
Mar. 29 Wesely AM4162 adopted. Advanced for Review 1576
Apr. 6 Placed on Select File - AM5734 1749
Apr. 11 AM5734 (E & R) adopted. Wesely AM4477 adopted. Advanced for Engrossment 1890
Apr. 11 Correctly Engrossed 1909
Apr. 11 ER7481 change 1910
Apr. 14 Final Reading 36-8-5 2070
Apr. 14 President signed 2091
Apr. 14 Presented to Governor (4/14) 2093
Apr. 21 Approved by Governor with line-item veto (4/19) 2151
Apr. 21 Message from Secretary of State. Certificate 2164

LEGISLATIVE BILL 1225. By Will, Bohlke, Day, Hillman, Rasmussen, Schimek

Jan. 19 Read first time 387
Jan. 21 Referred to Committee on Judiciary 436
Feb. 15 Notice of hearing (2/25) 737
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1226. By Jones

Jan. 19 Read first time 387
Jan. 21 Referred to Committee on Government, Military and Veterans Affairs 436
Feb. 3 Notice of hearing (2/10) 580
Mar. 2 Indefinitely postponed 966

LEGISLATIVE BILL 1227. By Jones

Jan. 19 Read first time 387
Jan. 21 Referred to Committee on Revenue 436
Jan. 26 Notice of hearing (2/2) 504

Feb. 4 Placed on General File - Com AM2976 613
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1228. By Jones

Jan. 19 Read first time 387
Jan. 21 Referred to Committee on Education 436
Feb. 1 Notice of hearing (2/15) 555
Feb. 23 Indefinitely postponed 828

LEGISLATIVE BILL 1229. By McKenzie, Wehrbein

Jan. 19 Read first time 387
Jan. 21 Referred to Committee on Revenue 436
Jan. 27 Notice of hearing (2/10) 513
Feb. 22 Indefinitely postponed 801

LEGISLATIVE BILL 1230. By Dierks

Jan. 20 Read first time 393
Jan. 24 Referred to Committee on Agriculture 449
Jan. 27 Notice of hearing (2/15) 525
Feb. 24 Indefinitely postponed 870

LEGISLATIVE BILL 1231. By Haberman

Jan. 20 Read first time 393
Jan. 24 Referred to Committee on Revenue 449
Jan. 26 Notice of hearing (2/2) 504
Feb. 28 Placed on General File 909
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1232. By Hartnett

Jan. 20 Read first time 393
Jan. 24 Referred to Committee on Health and Human Services 449
Jan. 27 Notice of hearing (2/25) 521
Mar. 1 Placed on General File - Com AM4037 929
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1232 amended into LB 1223 by AM4279)

LEGISLATIVE BILL 1233. By Hartnett

Jan. 20 Read first time 393
Jan. 20 Referred to Committee on Revenue. Notice of hearing (1/27) 413
Feb. 15 Indefinitely postponed 747

LEGISLATIVE BILL 1234. By McKenzie

Jan. 20 Read first time 394
Jan. 24 Referred to Committee on Education 449
Feb. 1 Notice of hearing (2/14) 555
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1235. By Schimek

Jan. 20 Read first time 394
Jan. 24 Referred to Committee on Banking, Commerce and Insurance 449
Feb. 3 Notice of hearing (2/28) 595
Mar. 1 Indefinitely postponed 938

LEGISLATIVE BILL 1236. By Schimek

Jan. 20 Read first time 394
Jan. 24 Referred to Committee on Government, Military and Veterans Affairs 449
Jan. 25 Notice of hearing (2/4) 480
Feb. 10 Placed on General File - Com AM3083 681
Feb. 16 Government, Military and Veterans Affairs Committee priority bill 750
Mar. 17 Committee AM3083 adopted. Advanced for Review ... 1286
Mar. 28 Placed on Select File - AM5723 1452
Apr. 7 AM5723 (E & R) adopted. Advanced for Engrossment 1799
Apr. 11 Correctly Engrossed 1858
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading 41-0-8 2039
Apr. 13 Speaker signed 2042
Apr. 13 Presented to Governor (4/13) 2051
Apr. 21 Approved by Governor (4/18) 2145

LEGISLATIVE BILL 1237. By Pirsch

Jan. 20 Read first time 395
Jan. 24 Referred to Committee on Revenue 450
Jan. 26 Notice of hearing (2/4) 504
Feb. 28 Indefinitely postponed 923

LEGISLATIVE BILL 1238. By Wickersham

Jan. 20 Read first time 395
Jan. 24 Referred to Committee on Nebraska Retirement Systems 450
Jan. 26 Notice of hearing (2/7) 498

Feb. 8 Placed on General File - Com AM3011 643
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1239. By Wickersham

Jan. 20 Read first time 395
Jan. 24 Referred to Committee on Revenue 450
Feb. 1 Notice of hearing (2/25) 561
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1240. By Coordsen

Jan. 20 Read first time 395
Jan. 24 Referred to Committee on Natural Resources 450
Feb. 9 Notice of hearing (2/16) 664
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1241. By Coordsen

Jan. 20 Read first time 395
Jan. 24 Referred to Committee on Banking, Commerce and Insurance 450
Feb. 3 Notice of hearing (2/28) 595
Mar. 1 Placed on General File - Com AM3434 937
Apr. 6 Committee AM3434 adopted. Advanced for Review ... 1759
Apr. 11 Placed on Select File - AM5745 1863
Apr. 12 AM5745 (E & R) adopted. Advanced for Engrossment 1937
Apr. 12 Correctly Engrossed 1953
Apr. 14 Rasmussen motion to suspend rules prevailed 2072
Apr. 14 Final Reading w/E 43-0-6 2077
Apr. 14 President signed 2091
Apr. 14 Presented to Governor (4/14) 2093
Apr. 21 Approved by Governor (4/19) 2148

LEGISLATIVE BILL 1242. By Coordsen

Jan. 20 Read first time 395
Jan. 24 Referred to Committee on Revenue 450
Jan. 26 Notice of hearing (2/3) 504
Feb. 8 Indefinitely postponed 637

LEGISLATIVE BILL 1243. By Hall

Jan. 20 Read first time 396
Jan. 24 Referred to Committee on Executive Board 450
Feb. 2 Executive Board priority bill 575
Feb. 3 Notice of hearing (2/16) 595
Feb. 23 Placed on General File 828

Mar. 3 Advanced for Review 1005
Mar. 11 Placed on Select File 1169
Mar. 16 Moore AM3612 printed separate 1256
Mar. 17 Moore pending AM3612 p. 1256 withdrawn.
Moore AM3847 (on file) adopted.
Advanced for Engrossment 1278
Mar. 23 Correctly Engrossed 1379
Mar. 23 ER7445 change 1382
Apr. 12 Preister motion to return to Select File
for AM4527 pending 1968
Apr. 12 Hall motion to bracket until 4/13/94 prevailed 1971
Apr. 13 Preister pending motion p. 1968 withdrawn.
Returned to Select File for Hall-Preister
amendment. Hall-Preister AM4586 adopted.
Advanced for Reengrossment 1999
Apr. 13 Correctly Reengrossed 2051
Apr. 15 Withem motion to suspend rules prevailed 2096
Apr. 15 Final Reading w/E 46-0-3 2126
Apr. 15 President signed 2131
Apr. 15 Presented to Governor (4/15) 2139
Apr. 21 Approved by Governor (4/19) 2149
(Provisions/portions of LB 1359 amended into LB 1243 by AM4586)

LEGISLATIVE BILL 1243A. By Hall

Mar. 17 Read first time. Placed on General File 1280
Mar. 28 Advanced for Review 1458
Mar. 29 Placed on Select File 1524
Apr. 6 Advanced for Engrossment 1742
Apr. 7 Correctly Engrossed 1819
Apr. 15 Preister motion to return to Select File
for FA589 withdrawn. Returned to Select
File for Hall amendment. Hall FA590
adopted. Stands indefinitely postponed 2127

LEGISLATIVE BILL 1244. By Hall

Jan. 20 Read first time 396
Jan. 24 Referred to Committee on Government,
Military and Veterans Affairs 450
Feb. 4 Notice of hearing (2/11) 608
Feb. 25 Speaker priority bill 875
Mar. 2 Placed on General File - Com AM3048 966
Mar. 11 Committee AM3048 adopted. Advanced for Review ... 1168
Mar. 22 Placed on Select File 1294
Apr. 8 Advanced for Engrossment 1830
Apr. 11 Correctly Engrossed 1861
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading 45-0-4 2045

Apr. 13 Speaker signed 2050
Apr. 14 Presented to Governor (4/13) 2054
Apr. 21 Approved by Governor (4/18) 2145

LEGISLATIVE BILL 1245. By Wickersham, Day

Jan. 20 Read first time 396
Jan. 24 Referred to Committee on Nebraska Retirement Systems 450
Jan. 25 Notice of hearing (2/1) 480
Feb. 3 Placed on General File 578
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1245 amended into LB 1068 by AM3946)

LEGISLATIVE BILL 1246. By Ashford, Crosby, Pirsch

Jan. 20 Read first time 396
Jan. 24 Referred to Committee on Revenue 450
Jan. 27 Notice of hearing (2/16) 525
Feb. 28 Indefinitely postponed 923

LEGISLATIVE BILL 1247. By Withem

Jan. 20 Read first time 396
Jan. 24 Referred to Committee on Education 450
Feb. 1 Notice of hearing (2/8) 555
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1248. By Withem

Jan. 20 Read first time 396
Jan. 24 Referred to Committee on Judiciary 450
Jan. 27 Notice of hearing (2/4) 520
Feb. 11 Placed on General File - Com AM3162 705
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1248 amended into LB 1250 by AM3285)

LEGISLATIVE BILL 1249. By Withem

Jan. 20 Read first time 397
Jan. 24 Referred to Committee on Education 450
Feb. 1 Notice of hearing (2/14) 555
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1250. By Withem

Jan. 20 Read first time 397
Jan. 20 Bohlke name added 431
Jan. 24 Referred to Committee on Education 450

Jan. 25 Notice of hearing (2/1) 491
Feb. 8 Placed on General File - Com AM3015 617
(printed separate)
Feb. 16 Bohlke priority bill 750
Feb. 22 Withem AM3285 to AM3015 pending 799
Feb. 22 Withem pending AM3285 p. 799 adopted 803
Feb. 23 Committee AM3015 adopted as amended by Chambers FA376 and FA377. Advanced for Review 820
Feb. 28 Placed on Select File - AM5678 904
(printed separate)
Mar. 1 Witek AM3461 to AM5678 printed 938
Mar. 1 Withem AM3442 to AM5678 printed 939
Mar. 16 AM5678 (E & R) adopted. Witek pending AM3461 p. 938 withdrawn. Withem pending AM3442 p. 939 adopted. Advanced for Engrossment 1261
Mar. 23 Correctly Engrossed 1333
Mar. 23 ER7444 change 1334
Apr. 6 Final Reading 44-0-5 1738
Apr. 6 Speaker signed. Presented to Governor (4/6) 1749
Apr. 7 Approved by Governor (4/7) 1813
(Provisions/portions of LB 1248 amended into LB 1250 by AM3285)

LEGISLATIVE BILL 1251. By Moore

Jan. 20 Read first time 397
Jan. 24 Referred to Committee on Revenue 450
Feb. 1 Notice of hearing (2/25) 561
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1252. By Moore, Wehrbein

Jan. 20 Read first time 398
Jan. 24 Referred to Committee on Government, Military and Veterans Affairs 450
Jan. 25 Notice of hearing (2/3) 480
Jan. 26 Notice of hearing (2/3) (Cancel) 503
Feb. 3 Notice of hearing (2/10) 580
Mar. 2 Placed on General File - Com AM3407 966
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1252 amended into LB 76 by AM4053)

LEGISLATIVE BILL 1253. By Moore, Hillman

Jan. 20 Read first time 398
Jan. 24 Referred to Committee on Education 450
Jan. 25 Notice of hearing (2/1) 490
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1254. By Hartnett

Jan. 20 Read first time 398
Jan. 24 Referred to Committee on Natural Resources 450
Feb. 9 Notice of hearing (2/16) 664
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1255. By Pedersen

Jan. 20 Read first time 398
Jan. 24 Referred to Committee on Revenue 450
Jan. 26 Notice of hearing (2/2) 504
Feb. 15 Indefinitely postponed 747

LEGISLATIVE BILL 1256. By Hartnett, Moore

Jan. 20 Read first time 398
Jan. 24 Referred to Committee on Education 450
Feb. 1 Notice of hearing (2/15) 555
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1257. By Hillman, Matzke, Wickersham

Jan. 20 Read first time 398
Jan. 24 Referred to Committee on Revenue 450
Jan. 26 Notice of hearing (2/2) 504
Feb. 3 Placed on General File - Com AM2974 598
Mar. 17 Committee AM2974 adopted. Advanced for Review ... 1283
Mar. 24 Placed on Select File - AM5717 1400
Apr. 5 Cudaback AM4198 printed 1729
Apr. 7 AM5717 (E & R) adopted. Cudaback pending AM4198 p. 1729 withdrawn. Advanced for Engrossment 1799
Apr. 8 Cudaback AM4449 printed 1846
Apr. 13 Returned to Select File for Cudaback amendment. Cudaback pending AM4449 p. 1846 adopted. Advanced for Engrossment 1973
Apr. 13 Correctly Engrossed 1993
Apr. 13 ER7493 change 1995
Apr. 15 Withem motion to suspend rules prevailed 2096
Apr. 15 Final Reading w/E 43-0-6 2109
Apr. 15 Speaker signed 2116
Apr. 15 Presented to Governor (4/15) 2118
Apr. 21 Approved by Governor (4/19) 2149
(Provisions/portions of LB 1113 amended into LB 1257 by AM4449)

LEGISLATIVE BILL 1258. By Hillman, Wickersham

Jan. 20 Read first time 399
Jan. 24 Referred to Committee on Education 450
Feb. 1 Notice of hearing (2/15) 555
Mar. 10 Placed on General File - Com AM3648 1103
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1258 amended into LB 1310 by AM4253)

LEGISLATIVE BILL 1259. By Hillman, Avery

Jan. 20 Read first time 399
Jan. 24 Referred to Committee on Transportation 450
Jan. 27 Notice of hearing (2/8) 514
Feb. 17 Indefinitely postponed 777

LEGISLATIVE BILL 1260. By Hall, Bohlke, McKenzie

Jan. 20 Read first time 399
Jan. 24 Referred to Committee on Transportation 450
Jan. 27 Notice of hearing (2/28) 514
Mar. 10 Indefinitely postponed 1115

LEGISLATIVE BILL 1261. By Lynch, McKenzie, Rasmussen

Jan. 20 Read first time 399
Jan. 24 Referred to Committee on Natural Resources 450
Jan. 26 Notice of hearing (2/2) 503
Mar. 15 Placed on General File - Com AM3510 1197
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1261 amended into LB 1210 by AM4366)

LEGISLATIVE BILL 1262. By Wesely

Jan. 20 Read first time 399
Jan. 24 Referred to Committee on Health and Human Services 450
Jan. 27 Notice of hearing (2/3) 520
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1262 amended into LB 1223 by AM3613)

LEGISLATIVE BILL 1263. By Wesely, Wickersham

Jan. 20 Read first time 399
Jan. 21 Hillman name added 448
Jan. 24 Referred to Committee on Health and Human Services 450
Jan. 26 Notice of hearing (2/2) 504
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1263 amended into LB 1223 by AM3613)

LEGISLATIVE BILL 1264. By Wesely, Bohlke, Chambers, Day, Rasmussen

Jan.	20	Read first time	399
Jan.	24	Referred to Committee on Health and Human Services	450
Jan.	27	Notice of hearing (2/4)	520
Apr.	15	Indefinitely postponed	2141

LEGISLATIVE BILL 1265. By Wesely

Jan.	20	Read first time	399
Jan.	24	Referred to Committee on Health and Human Services	450
Jan.	27	Notice of hearing (2/25)	521
Apr.	15	Indefinitely postponed	2141

LEGISLATIVE BILL 1266. By McKenzie, Day

Jan.	20	Read first time	400
Jan.	24	Referred to Committee on Education	450
Feb.	1	Notice of hearing (2/22)	556
Mar.	10	Attorney General's Opinion #94012 to McKenzie	1099
Apr.	15	Indefinitely postponed	2141

LEGISLATIVE BILL 1267. By McKenzie

Jan.	20	Read first time	400
Jan.	24	Referred to Committee on Natural Resources	450
Jan.	27	Notice of hearing (2/4)	525
Feb.	22	Placed on General File - Com AM3140	795
Apr.	15	Indefinitely postponed	2141

LEGISLATIVE BILL 1268. By Crosby

Jan.	20	Read first time	400
Jan.	24	Referred to Committee on Nebraska Retirement Systems	450
Jan.	26	Notice of hearing (2/7)	498
Mar.	8	Placed on General File - Com AM3539	1019
Apr.	15	Indefinitely postponed	2141

LEGISLATIVE BILL 1269. By Crosby

Jan.	20	Read first time	400
Jan.	24	Referred to Committee on Education	450
Feb.	1	Notice of hearing (2/22)	556
Apr.	15	Indefinitely postponed	2141

LEGISLATIVE BILL 1270. By Dierks

Jan. 20 Read first time 400
Jan. 24 Referred to Committee on Natural Resources 450
Feb. 3 Notice of hearing (2/11) 595
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1271. By Dierks

Jan. 20 Read first time 400
Jan. 24 Referred to Committee on Natural Resources 450
Feb. 3 Notice of hearing (2/11) 595
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1272. By Dierks

Jan. 20 Read first time 400
Jan. 24 Referred to Committee on Natural Resources 450
Feb. 3 Notice of hearing (2/11) 595
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1273. By Withem, Preister

Jan. 20 Read first time 401
Jan. 24 Referred to Committee on Government, Military and Veterans Affairs 450
Jan. 25 Notice of hearing (2/3) 480
Mar. 2 Indefinitely postponed 966

LEGISLATIVE BILL 1274. By Dierks

Jan. 20 Read first time 401
Jan. 24 Referred to Committee on Agriculture 450
Jan. 27 Notice of hearing (2/8) 525
Feb. 14 Indefinitely postponed 721

LEGISLATIVE BILL 1275. By Withem

Jan. 20 Read first time 401
Jan. 24 Referred to Committee on Revenue 450
Jan. 26 Notice of hearing (2/2) 504
Feb. 3 Placed on General File - Com AM2975 598
Feb. 16 Withem priority bill 750
Feb. 23 Committee AM2975 adopted as amended by Withem AM3353. Advanced for Review 822
Feb. 28 Placed on Select File - AM5676 904
Feb. 28 Crosby-Hartnett AM4015 to AM5676 printed 914
Feb. 28 Withem AM4009 to AM5676 printed 923
Mar. 11 Withem AM3615 to AM5676 printed 1145

Mar. 15 Beutler AM3779 to AM5676 printed 1232
Mar. 16 AM5676 (E & R) adopted. Crosby-Hartnett pending AM4015 p. 914 and Withem pending AM3615 p. 1145 adopted. Withem pending AM4009 p. 923 withdrawn. Beutler pending AM3779 p. 1232 pending 1262
Mar. 17 Beutler pending AM3779 p. 1232 and Withem-Hall AM3827 adopted. Advanced for Engrossment 1268
Mar. 23 Correctly Engrossed 1379
Mar. 23 ER7443 change 1382
Mar. 29 Beutler AM4167 printed 1552
Apr. 12 Returned to Select File for Beutler amendment. Beutler pending AM4167 p. 1552 adopted. Advanced for Reengrossment. Preister motion to overrule agenda lost 1940
Apr. 13 Correctly Reengrossed 1993
Apr. 15 Withem motion to suspend rules prevailed 2096
Apr. 15 Final Reading 43-0-6 2104
Apr. 15 President signed 2109
Apr. 15 Presented to Governor (4/15) 2117
Apr. 21 Approved by Governor (4/19) 2149
(Provisions/portions of LB 401 amended into LB 1275 by AM4015)
(Provisions/portions of LB 738 amended into LB 1275 by AM3779)
(Provisions/portions of LB 1302 amended into LB 1275 by AM3779)

LEGISLATIVE BILL 1275A. By Withem

Mar. 11 Read first time. Placed on General File 1145
Mar. 15 Advanced for Review 1209
Mar. 23 Placed on Select File 1366
Mar. 25 Advanced for Engrossment 1429
Mar. 28 Correctly Engrossed 1500
Apr. 15 Final Reading 41-0-8 2105
Apr. 15 President signed 2109
Apr. 15 Presented to Governor (4/15) 2117
Apr. 21 Approved by Governor (4/19) 2149

LEGISLATIVE BILL 1276. By Hartnett

Jan. 20 Read first time 401
Jan. 24 Referred to Committee on Health and Human Services 450
Jan. 27 Notice of hearing (2/9) 521
Feb. 14 Indefinitely postponed 721

LEGISLATIVE BILL 1277. By Wickersham, Bohlke, Bromm, Cudaback, Elmer, Hillman, Jones, Matzke, McKenzie

Jan. 20 Read first time 401
Jan. 24 Referred to Committee on Natural Resources 450
Feb. 15 Notice of hearing (2/25) 737
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1278. By Hall

Jan. 20 Read first time 402
Jan. 24 Referred to Committee on General Affairs 450
Feb. 2 Notice of hearing (2/15) 576
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1279. By Hall

Jan. 20 Read first time 402
Jan. 24 Referred to Committee on Business and Labor 450
Feb. 2 Notice of hearing (2/15) 576
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1280. By Hall

Jan. 20 Read first time 402
Jan. 24 Referred to Committee on Revenue 450
Jan. 27 Notice of hearing (2/17) 525
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1281. By Hall

Jan. 20 Read first time 402
Jan. 24 Referred to Committee on Revenue 450
Jan. 27 Notice of hearing (2/17) 525
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1282. By Hall

Jan. 20 Read first time 402
Jan. 24 Referred to Committee on Transportation 450
Jan. 27 Notice of hearing (2/15) 514
Mar. 10 Indefinitely postponed 1115

LEGISLATIVE BILL 1283. By Hall

Jan. 20 Read first time 402
Jan. 24 Referred to Committee on Revenue 450
Jan. 27 Notice of hearing (2/10) 513
Feb. 22 Indefinitely postponed 801

LEGISLATIVE BILL 1284. By Hall

Jan.	20	Read first time	403
Jan.	24	Referred to Committee on Revenue	450
Jan.	27	Notice of hearing (2/10)	513
Feb.	22	Indefinitely postponed	801

LEGISLATIVE BILL 1285. By Witek, Pirsch, Vrtiska

Jan.	20	Read first time	403
Jan.	24	Referred to Committee on Health and Human Services	450
Jan.	27	Notice of hearing (2/9)	521
Apr.	15	Indefinitely postponed	2141

LEGISLATIVE BILL 1286. By Pedersen

Jan.	20	Read first time	403
Jan.	24	Referred to Committee on Banking, Commerce and Insurance	451
Feb.	3	Notice of hearing (2/28)	595
Mar.	1	Indefinitely postponed	938

LEGISLATIVE BILL 1287. By Avery, Day, Engel, Lynch, Robak, Schmitt, Wehrbein

Jan.	20	Read first time	403
Jan.	24	Referred to Committee on Nebraska Retirement Systems	451
Jan.	26	Notice of hearing (2/7)	498
Feb.	22	Placed on General File - Com AM3267	801
Feb.	23	Nebraska Retirement Systems Committee priority bill	821
Mar.	3	Committee AM3267 adopted. Advanced for Review	1005
Mar.	11	Placed on Select File	1169
Mar.	17	Advanced for Engrossment	1278
Mar.	23	Correctly Engrossed	1379
Apr.	6	Final Reading w/E 38-3-8	1739
Apr.	6	Speaker signed. Presented to Governor (4/6)	1749
Apr.	7	Approved by Governor (4/7)	1815

LEGISLATIVE BILL 1287A. By Wickersham

Feb.	28	Read first time. Placed on General File	907
Mar.	3	Advanced for Review	1005
Mar.	11	Placed on Select File	1169
Mar.	17	Advanced for Engrossment	1278
Mar.	23	Correctly Engrossed	1379
Apr.	6	Final Reading 39-2-8	1740
Apr.	6	Speaker signed. Presented to Governor (4/6)	1749
Apr.	7	Approved by Governor (4/7)	1815

LEGISLATIVE BILL 1288. By Avery, Robinson

Jan. 20 Read first time 403
Jan. 24 Referred to Committee on Natural Resources 451
Jan. 27 Notice of hearing (2/3) 511
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1289. By Warner

Jan. 20 Read first time 403
Jan. 24 Referred to Committee on Appropriations 451
Feb. 8 Notice of hearing (2/14) 636
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1290. By Warner

Jan. 20 Read first time 403
Jan. 24 Referred to Committee on Education 451
Feb. 1 Notice of hearing (2/8) 555
Feb. 9 Placed on General File 659
Feb. 16 Monen priority bill 756
Feb. 23 Moore motion to bracket until 3/1/94 lost. Withem FA378 lost. Wickersham-Warner AM3360 pending 822
Feb. 28 Moore motion to bracket until 3/2/94 withdrawn. Wickersham-Warner pending AM3360 p. 823 adopted. Bracketed until 3/2/94 902
Mar. 8 Withem AM3597 to AM3360 printed 1053
Mar. 9 Withem pending AM3597 p. 1053 and Withem FA423 withdrawn. Advanced for Review 1072
Mar. 10 Warner-Wickersham AM3634 to AM3360 printed 1120
Mar. 10 Will-Lindsay-Hartnett-Rasmussen AM3338 printed 1127
Mar. 11 Withem AM3675 printed 1158
Mar. 14 Placed on Select File 1185
Mar. 15 Rasmussen AM3672 printed 1213
Mar. 15 Withem AM3769 printed 1228
Mar. 16 Withem AM3720 printed 1257
Mar. 24 Warner-Withem-Wickersham AM3974 printed separate 1403
Apr. 5 Warner-Wickersham-Withem AM4339 (on file) printed 1719
Apr. 5 Warner-Wickersham request to substitute amendment prevailed. Warner-Wickersham pending AM3634 p. 1120 withdrawn. Warner et al substitute pending AM4339 p. 1719 adopted. Will et al pending AM3338 p. 1127,

Withem pending AM3675 p. 1158, pending AM3769 p.1228, pending AM3720 p. 1257, Rasmussen pending AM3672 p. 1213, and Warner et al pending AM3974 p. 1403 withdrawn. Advanced for Engrossment 1733
Apr. 8 Correctly Engrossed. ER7459 change 1823
Apr. 13 Final Reading w/E 41-0-8 2016
Apr. 13 President signed 2033
Apr. 13 Presented to Governor (4/13) 2051
Apr. 21 Approved by Governor (4/19) 2148

LEGISLATIVE BILL 1291. By Warner

Jan. 20 Read first time 404
Jan. 24 Referred to Committee on Nebraska Retirement Systems 451
Jan. 26 Notice of hearing (2/7) 498
Mar. 8 Indefinitely postponed 1020

LEGISLATIVE BILL 1292. By Hartnett

Jan. 20 Read first time 404
Jan. 24 Referred to Committee on General Affairs 451
Feb. 9 Notice of hearing (2/22) 665
Feb. 24 Placed on General File - Com AM3332 843
Feb. 25 Speaker priority bill 875
Mar. 2 Schellpeper AM3455 to committee AM3332 printed 985
Mar. 8 Landis AM3475 printed 1039
Mar. 11 Committee AM3332 adopted as amended by Schellpeper pending AM3455 p. 985. Advanced for Review 1167
Mar. 14 Elmer name added 1195
Mar. 22 Placed on Select File - AM5705 1293
Mar. 22 Landis name added 1313
Mar. 23 Hall-Landis AM3910 printed separate 1353
Mar. 23 Attorney General's Opinion #94019 to Schellpeper 1362
Mar. 28 Hall-Landis AM4051 printed separate 1480
Apr. 8 AM5705 (E & R) adopted. Landis pending AM3475 p. 1039, and Landis-Hall pending AM3910 p. 1353 withdrawn. Landis-Hall pending AM4051 p. 1480 adopted. Advanced for Engrossment 1830
Apr. 11 Correctly Engrossed 1886
Apr. 11 ER7472 change 1887
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading 38-2-9 2047
Apr. 13 Speaker signed 2050
Apr. 14 Presented to Governor (4/13) 2054

Apr. 21 Approved by Governor (4/18) 2145
(Provisions/portions of LB 741 amended into LB 1292 by AM4051)
(Provisions/portions of LB 1057 amended into LB 1292 by AM3332)
(Provisions/portions of LB 1167 amended into LB 1292 by AM4051)

LEGISLATIVE BILL 1293. By Preister, Chambers, Crosby, Dierks, Schimek

Jan. 20 Read first time 414
Jan. 24 Referred to Committee on Judiciary 451
Feb. 9 Notice of hearing (2/16) 664
Feb. 14 Schimek name withdrawn 729
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1294. By Avery

Jan. 20 Read first time 414
Jan. 24 Referred to Committee on Urban Affairs 451
Jan. 25 Notice of hearing (2/8) 490
Feb. 24 Placed on General File - Com AM3355 872
Mar. 8 Correction 1012
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1295. By Ashford

Jan. 20 Read first time 414
Jan. 24 Referred to Committee on Education 451
Feb. 1 Notice of hearing (2/8) 555
Feb. 9 Indefinitely postponed 659

LEGISLATIVE BILL 1296. By Lynch

Jan. 20 Read first time 414
Jan. 24 Referred to Committee on Health and Human Services 451
Jan. 27 Notice of hearing (2/16) 521
Feb. 28 Indefinitely postponed 914

LEGISLATIVE BILL 1297. By Ashford

Jan. 20 Read first time 414
Jan. 24 Referred to Committee on General Affairs 451
Feb. 9 Notice of hearing (2/22) 665
Feb. 23 Indefinitely postponed 829

LEGISLATIVE BILL 1298. By Avery, Kristensen, Pirsch, Will

Jan. 20 Read first time 414
Jan. 24 Referred to Committee on Judiciary 451

Feb. 15 Notice of hearing (2/23) 737
Feb. 24 Placed on General File 843
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1299. By Ashford, Rasmussen

Jan. 20 Read first time 415
Jan. 24 Referred to Committee on Judiciary 451
Feb. 15 Notice of hearing (2/24) 737
Feb. 25 Indefinitely postponed 892

LEGISLATIVE BILL 1300. By Beutler

Jan. 20 Read first time 415
Jan. 24 Referred to Committee on Natural Resources 451
Jan. 27 Notice of hearing (2/4) 525
Feb. 22 Placed on General File 792
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1301. By Beutler

Jan. 20 Read first time 415
Jan. 24 Referred to Committee on Revenue 451
Jan. 27 Notice of hearing (2/17) 525
Feb. 28 Indefinitely postponed 909
(Provisions/portions of LB 1301 amended into LB 961 by AM4541)

LEGISLATIVE BILL 1302. By Beutler

Jan. 20 Read first time 415
Jan. 24 Referred to Committee on Judiciary 451
Feb. 9 Notice of hearing (2/16) 664
Feb. 23 Placed on General File - Com AM3303 837
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1302 amended into LB 1275 by AM3779)

LEGISLATIVE BILL 1303. By Wesely

Jan. 20 Read first time 415
Jan. 24 Referred to Committee on Health and Human Services 451
Jan. 27 Notice of hearing (2/4) 520
Feb. 25 Speaker priority bill 875
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1303 amended into LB 1210 by AM3517)

LEGISLATIVE BILL 1304. By Health and Human Services Committee

Jan. 20 Read first time 416
Jan. 24 Referred to Committee on Banking, Commerce and Insurance 451
Feb. 3 Notice of hearing (2/22) 595
Feb. 24 Indefinitely postponed 844

LEGISLATIVE BILL 1305. By Ashford, Matzke, Rasmussen

Jan. 20 Read first time 416
Jan. 24 Referred to Committee on Revenue 451
Jan. 27 Notice of hearing (2/16) 525
Feb. 28 Indefinitely postponed 923

LEGISLATIVE BILL 1306. By Nebraska Retirement Systems Committee

Jan. 20 Read first time 416
Jan. 24 Referred to Committee on Nebraska Retirement Systems 451
Jan. 25 Notice of hearing (2/1) 480
Feb. 9 Placed on General File - Com AM3026 (printed separate) 656
Feb. 16 Nebraska Retirement Systems priority bill 750
Mar. 3 Committee AM3026 adopted. Advanced for Review ... 1002
Mar. 10 Placed on Select File - AM5691 1114
Mar. 17 AM5691 (E & R) adopted. Crosby AM3496 withdrawn. Advanced for Engrossment 1275
Mar. 23 Correctly Engrossed 1379
Apr. 6 Final Reading w/E 44-0-5 1741
Apr. 6 Speaker signed. Presented to Governor (4/6) 1749
Apr. 7 Approved by Governor (4/7) 1813

LEGISLATIVE BILL 1306A. By Wickersham

Feb. 15 Read first time. Placed on General File 738
Mar. 3 Advanced for Review 1002
Mar. 10 Placed on Select File 1114
Mar. 17 Advanced for Engrossment 1278
Mar. 23 Correctly Engrossed 1379
Mar. 23 ER7447 change 1383
Apr. 6 Final Reading w/E 43-0-6 1741
Apr. 6 Speaker signed. Presented to Governor (4/6) 1749
Apr. 7 Approved by Governor (4/7) 1813

LEGISLATIVE BILL 1307. By Beutler

Jan. 20 Read first time 416
Jan. 24 Referred to Committee on Judiciary 451

Feb. 9 Notice of hearing (2/16) 664
Feb. 17 Indefinitely postponed 777

LEGISLATIVE BILL 1308. By Bromm

Jan. 20 Read first time 416
Jan. 24 Referred to Committee on Judiciary 451
Jan. 27 Notice of hearing (2/3) 520
Feb. 8 Placed on General File - Com AM2914 626
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1309. By Bromm, Avery, Hall, Hartnett, Schmitt

Jan. 20 Read first time 417
Jan. 24 Referred to Committee on Executive Board 451
Feb. 3 Notice of hearing (2/16) 595
Feb. 23 Placed on General File - Com AM3344 828
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1310. By Education Committee

Jan. 20 Read first time 417
Jan. 24 Referred to Committee on Education 451
Feb. 1 Notice of hearing (2/8) 555
Feb. 9 Placed on General File - Com AM3086 669
Feb. 25 Speaker priority bill 875
Mar. 11 Committee AM3086 adopted. Advanced for Review ... 1164
Mar. 22 Placed on Select File - AM5709 1293
Mar. 22 Bohlke AM3855 printed 1308
Mar. 29 Bohlke AM4157 printed 1553
Mar. 29 Wickersham-Jones AM3798 printed 1561
Apr. 8 AM5709 (E & R) adopted. Bohlke request to substitute amendment prevailed. Bohlke pending AM3855 p. 1308 withdrawn. Bohlke substitute AM4253 adopted. Bohlke pending AM4157 p. 1553, Wickersham-Jones pending AM3798 p. 1561, and Withem FA541 withdrawn. Advanced for Engrossment 1828
Apr. 11 Correctly Engrossed 1903
Apr. 11 ER7467 change 1904
Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading w/E 44-1-4 2048
Apr. 13 Speaker signed 2050
Apr. 14 Presented to Governor (4/13) 2054
Apr. 21 Approved by Governor (4/19) 2149
(Provisions/portions of LB 1258 amended into LB 1310 by AM4253)

LEGISLATIVE BILL 1311. By Bohlke

Jan.	20	Read first time	417
Jan.	24	Referred to Committee on Education	451
Jan.	25	Notice of hearing (2/1)	491
Feb.	8	Placed on General File - Com AM3016	620
Feb.	23	Education Committee priority bill	827
Mar.	3	Committee AM3016 adopted. Advanced for Review	1002
Mar.	10	Placed on Select File - AM5690	1112
Mar.	17	AM5690 (E & R) adopted. Advanced for Engrossment	1275
Mar.	23	Correctly Engrossed	1379
Mar.	23	ER7448 change	1383
Apr.	7	Final Reading 41-0-8	1779
Apr.	7	Speaker signed	1786
Apr.	7	Presented to Governor (4/7)	1789
Apr.	12	Approved by Governor (4/12)	1938

LEGISLATIVE BILL 1312. By Bohlke

Jan.	20	Read first time	417
Jan.	24	Referred to Committee on Education	451
Feb.	1	Notice of hearing (2/15)	555
Feb.	25	Placed on General File	891
Apr.	15	Indefinitely postponed	2141

LEGISLATIVE BILL 1313. By Bohlke

Jan.	20	Read first time	417
Jan.	24	Referred to Committee on General Affairs	451
Feb.	2	Notice of hearing (2/15)	576
Feb.	16	Placed on General File	756
Mar.	17	Advanced for Review	1286
Mar.	28	Placed on Select File - AM5722	1452
Apr.	7	AM5722 (E & R) adopted. Advanced for Engrossment	1798
Apr.	11	Correctly Engrossed	1858
Apr.	13	Rasmussen motion to suspend rules prevailed	2017
Apr.	13	Final Reading 36-7-6	2040
Apr.	13	Speaker signed	2050
Apr.	14	Presented to Governor (4/13)	2054
Apr.	21	Approved by Governor (4/18)	2145

LEGISLATIVE BILL 1313A. By Bohlke

Feb.	28	Read first time. Placed on General File	918
Mar.	17	Advanced for Review	1286
Mar.	28	Placed on Select File	1452
Apr.	7	Advanced for Engrossment	1798
Apr.	11	Correctly Engrossed	1858

Apr. 13 Rasmussen motion to suspend rules prevailed 2017
Apr. 13 Final Reading 36-4-9 2041
Apr. 13 Speaker signed 2050
Apr. 14 Presented to Governor (4/13) 2054
Apr. 21 Returned by Governor without approval (4/18) 2147

LEGISLATIVE BILL 1314. By Robinson, Day, Haberman, Schimek

Jan. 20 Read first time 418
Jan. 24 Referred to Committee on Education 451
Feb. 1 Notice of hearing (2/15) 555
Feb. 23 Indefinitely postponed 828

LEGISLATIVE BILL 1315. By Withem

Jan. 20 Read first time 418
Jan. 25 Referred to Committee on Business and Labor 479
Feb. 2 Notice of hearing (2/14) 576
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1316. By Schimek, Day, Hartnett, Wehrbein

Jan. 20 Read first time 418
Jan. 25 Referred to Committee on Revenue 479
Jan. 27 Notice of hearing (2/17) 525
Feb. 28 Indefinitely postponed 909

LEGISLATIVE BILL 1317. By Bernard-Stevens

Jan. 20 Read first time 418
Jan. 24 Withem name added 475
Jan. 25 Referred to Committee on Transportation 479
Jan. 27 Notice of hearing (2/14) 514
Feb. 17 Placed on General File - Com AM3237 777
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1318. By Wesely

Jan. 20 Read first time 418
Jan. 25 Referred to Committee on Health and Human Services 479
Jan. 27 Notice of hearing (2/25) 521
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1319. By Wesely, Beutler, Crosby, Day, Rasmussen, Schimek, Schmitt

Jan. 20 Read first time 419
Jan. 25 Referred to Committee on Judiciary 479
Feb. 2 Notice of hearing (2/10) 572
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1320. By Urban Affairs Committee

Jan. 20 Read first time 419
Jan. 25 Referred to Committee on Urban Affairs 479
Jan. 25 Notice of hearing (2/8) 490
Feb. 1 Will name added 567
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1321. By Urban Affairs Committee

Jan. 20 Read first time 419
Jan. 25 Referred to Committee on Urban Affairs 479
Jan. 25 Notice of hearing (2/8) 490
Feb. 1 Will name added 567
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1322. By Urban Affairs Committee

Jan. 20 Read first time 419
Jan. 25 Referred to Committee on Urban Affairs 479
Jan. 25 Notice of hearing (2/22) 490
Feb. 1 Will name added 567
Feb. 23 Urban Affairs Committee priority bill 817
Feb. 24 Placed on General File - Com AM3356 873
Mar. 22 Withem AM3781 printed 1318
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1323. By Urban Affairs Committee

Jan. 20 Read first time 420
Jan. 25 Referred to Committee on Urban Affairs 479
Jan. 25 Notice of hearing (2/1) 490
Feb. 1 Will name added 567
Feb. 3 Placed on General File 600
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1324. By Hall

Jan. 20 Read first time 420
Jan. 25 Referred to Committee on General Affairs 479
Feb. 2 Notice of hearing (2/15) 576
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1325. By Hall

Jan. 20 Read first time 420
Jan. 25 Referred to Committee on Health and Human Services 479
Jan. 27 Notice of hearing (2/4) 520
Feb. 14 Indefinitely postponed 721

LEGISLATIVE BILL 1326. By Lindsay, Day

Jan. 20 Read first time 420
Jan. 25 Referred to Committee on Judiciary 479
Jan. 27 Notice of hearing (2/3) 520
Feb. 4 Judiciary Committee priority bill. Pedersen name added 615
Feb. 8 Placed on General File 620
Feb. 9 Pedersen-Lindsay-Day AM3056 printed 661
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1326A. By Lindsay

Feb. 22 Read first time. Placed on General File 798
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1327. By Lindsay

Jan. 20 Read first time 420
Jan. 25 Referred to Committee on Judiciary 479
Jan. 27 Notice of hearing (2/3) 520
Feb. 23 Placed on General File - Com AM3336 837
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1328. By Lindsay

Jan. 20 Read first time 421
Jan. 25 Referred to Committee on Judiciary 479
Feb. 2 Notice of hearing (2/9) 572
Feb. 14 Placed on General File - Com AM3120 721
Feb. 25 Speaker priority bill 875
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1329. By Lindsay

Jan. 20 Read first time 421
Jan. 25 Referred to Committee on Judiciary 479
Jan. 27 Notice of hearing (2/3) 520
Feb. 8 Placed on General File 620
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1330. By Lindsay

Jan. 20 Read first time 421
Jan. 25 Referred to Committee on Judiciary 479
Feb. 2 Notice of hearing (2/9) 572
Feb. 10 Placed on General File 681
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1331. By Lindsay

Jan. 20 Read first time 421
Jan. 25 Referred to Committee on Judiciary 479
Feb. 2 Notice of hearing (2/10) 572
Feb. 14 Indefinitely postponed 725

LEGISLATIVE BILL 1332. By Lindsay

Jan. 20 Read first time 421
Jan. 25 Referred to Committee on Judiciary 479
Jan. 27 Notice of hearing (2/3) 520
Feb. 8 Indefinitely postponed 626

LEGISLATIVE BILL 1333. By Lindsay

Jan. 20 Read first time 422
Jan. 25 Referred to Committee on Judiciary 479
Feb. 15 Notice of hearing (2/23) 737
Feb. 28 Placed on General File - Com AM3418 918
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1334. By Lindsay

Jan. 20 Read first time 422
Jan. 25 Referred to Committee on Judiciary 479
Feb. 15 Notice of hearing (2/23) 737
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1335. By Jones

Jan. 20 Read first time 422
Jan. 25 Referred to Committee on Agriculture 479
Jan. 27 Notice of hearing (2/8) 525
Feb. 14 Indefinitely postponed 721

LEGISLATIVE BILL 1336. By Jones, Dierks, Schmitt

Jan. 20 Read first time 422
Jan. 25 Referred to Committee on Revenue 479
Feb. 1 Notice of hearing (2/25) 561
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1337. By Hillman, Abboud, Ashford, Avery, Beutler, Bohlke, Bromm, Byars, Day, Dierks, Elmer, Engel, Haberman, Hall, Hartnett, Hudkins, Janssen, Jones, Landis, Lindsay, Lynch, Matzke, McKenzie, Monen, Pedersen, Pirsch, Preister, Rasmussen, Robak, Schimek, Vrtiska, Wehrbein, Wesely, Wickersham, Will, Witek, Withem

Jan.	20	Read first time	423
Jan.	25	Referred to Committee on Business and Labor	479
Feb.	1	Hillman priority bill	528
Feb.	2	Notice of hearing (2/15)	576
Feb.	23	Placed on General File	828
Feb.	28	Advanced for Review	903
Mar.	8	Placed on Select File - AM5681	1012
Apr.	5	AM5681 (E & R) adopted. Advanced for Engrossment	1697
Apr.	7	Correctly Engrossed	1799
Apr.	12	Final Reading 46-0-3	1966
Apr.	12	Speaker signed	1970
Apr.	13	Presented to Governor (4/12)	1982
Apr.	15	Approved by Governor (4/15)	2116

LEGISLATIVE BILL 1338. By Nebraska Retirement Systems Committee

Jan.	20	Read first time	423
Jan.	25	Referred to Committee on Nebraska Retirement Systems	479
Feb.	11	Notice of hearing (2/22)	696
Feb.	23	Notice of hearing (3/2) (Rehearing)	822
Mar.	8	Indefinitely postponed	1020

LEGISLATIVE BILL 1339. By Nebraska Retirement Systems Committee

Jan.	20	Read first time	423
Jan.	25	Referred to Committee on Nebraska Retirement Systems	479
Jan.	26	Notice of hearing (2/7)	498
Feb.	8	Placed on General File - Com AM3027	643
Apr.	15	Indefinitely postponed	2141

LEGISLATIVE BILL 1340. By Withem

Jan.	20	Read first time	423
Jan.	25	Referred to Committee on Education	479
Feb.	1	Notice of hearing (2/15)	555
Apr.	15	Indefinitely postponed	2141

LEGISLATIVE BILL 1341. By Will, Byars, Coordsen

Jan. 20 Read first time 424
Jan. 25 Referred to Committee on Banking, Commerce and Insurance 479
Feb. 3 Notice of hearing (2/22) 595
Feb. 24 Indefinitely postponed 844

LEGISLATIVE BILL 1342. By Ashford, Hall, Monen, Pedersen, Rasmussen, Will

Jan. 20 Read first time 424
Jan. 25 Referred to Committee on Judiciary 479
Feb. 2 Notice of hearing (2/11) 572
Feb. 28 Placed on General File - Com AM4034 918
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1343. By Lindsay

Jan. 20 Read first time 424
Jan. 25 Referred to Committee on Judiciary 479
Feb. 2 Notice of hearing (2/10) 572
Feb. 25 Placed on General File 892
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1344. By Lindsay

Jan. 20 Read first time 424
Jan. 25 Referred to Committee on Judiciary 479
Feb. 2 Notice of hearing (2/9) 572
Feb. 10 Indefinitely postponed 681

LEGISLATIVE BILL 1345. By Lindsay, Bromm

Jan. 20 Read first time 424
Jan. 25 Referred to Committee on Judiciary 479
Jan. 27 Notice of hearing (2/4) 520
Feb. 10 Placed on General File 681
Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1345 amended into LB 903 by AM4550)

LEGISLATIVE BILL 1346. By Lindsay

Jan. 20 Read first time 425
Jan. 25 Referred to Committee on Judiciary 479
Jan. 27 Notice of hearing (2/4) 520
Feb. 10 Indefinitely postponed 681

LEGISLATIVE BILL 1347. By Lindsay

Jan.	20	Read first time	425
Jan.	25	Referred to Committee on Judiciary	479
Jan.	27	Notice of hearing (2/4)	520
Feb.	10	Indefinitely postponed	681

LEGISLATIVE BILL 1348. By Lindsay

Jan.	20	Read first time	425
Jan.	25	Referred to Committee on Judiciary	479
Jan.	27	Notice of hearing (2/4)	520
Feb.	10	Indefinitely postponed	681

LEGISLATIVE BILL 1349. By Avery, Fisher, Schellpeper, Wehrbein

Jan.	20	Read first time	425
Jan.	25	Referred to Committee on Natural Resources	479
Feb.	15	Notice of hearing (2/23)	736
Feb.	23	Avery priority bill	821
Mar.	15	Placed on General File - Com AM3609	1198
Apr.	6	Committee AM3609 adopted as amended by Beutler AM4357. Advanced for Review	1744
Apr.	7	Placed on Select File - AM5737	1811
Apr.	11	Avery AM4510 printed	1894
Apr.	11	Avery AM4448 printed	1898
Apr.	12	AM5737 (E & R) adopted. Avery pending AM4510 p. 1894 and pending AM4448 p. 1898 withdrawn. Avery AM4515 (on file) adopted. Advanced for Engrossment	1927
Apr.	12	Correctly Engrossed. ER7483 change	1953
Apr.	14	Rasmussen motion to suspend rules prevailed	2072
Apr.	14	Final Reading w/E 42-0-7	2078
Apr.	14	President signed	2091
Apr.	14	Presented to Governor (4/14)	2093
Apr.	21	Approved by Governor (4/20)	2160

(Provisions/portions of LB 1122 amended into LB 1349 by AM4515)
(Provisions/portions of LB 1131 amended into LB 1349 by AM4357)

LEGISLATIVE BILL 1349A. By Avery

Mar.	22	Read first time. Placed on General File	1321
Apr.	6	Advanced for Review	1746
Apr.	7	Placed on Select File	1812
Apr.	12	Advanced for Engrossment	1927
Apr.	12	Correctly Engrossed	1953
Apr.	14	Rasmussen motion to suspend rules prevailed	2072
Apr.	14	Final Reading 43-0-6	2079

Apr. 14 President signed 2091
Apr. 14 Presented to Governor (4/14) 2093
Apr. 21 Approved by Governor with line-item veto (4/20) 2162
Apr. 21 Message from Secretary of State. Certificate 2166

LEGISLATIVE BILL 1350. By Abboud

Jan. 20 Read first time 425
Jan. 25 Referred to Committee on Judiciary 479
Feb. 2 Notice of hearing (2/11) 572
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1351. By Abboud, Ashford, Avery, Beutler, Bohlke, Bromm, Byars, Coordsen, Crosby, Cudaback, Day, Dierks, Elmer, Fisher, Haberman, Hartnett, Hudkins, Janssen, Jones, Lynch, Matzke, McKenzie, Monen, Pirsch, Preister, Rasmussen, Robak, Robinson, Schellpeper, Schmitt, Vrtiska, Wehrbein, Wesely, Will, Witek

Jan. 20 Read first time 425
Jan. 25 Referred to Committee on Judiciary 479
Feb. 2 Notice of hearing (2/10) 572
Feb. 23 Abboud priority bill 826
Mar. 9 Placed on General File - Com AM3473 1061
(printed separate)
Mar. 10 Ashford AM3649 to committee AM3473 printed 1128
Mar. 15 Pedersen AM3726 to committee AM3473 printed 1215
Mar. 15 Hudkins AM3768 to committee AM3473 printed 1235
Mar. 15 Hudkins AM3767 to committee AM3473 printed 1236
Mar. 25 Hudkins AM3988 to committee AM3473 printed 1437
Mar. 25 Lynch AM3752 to committee AM3473 printed 1439
Mar. 28 Committee AM3473 sustained division of question. Committee FA474 (1) (sec 11) on file and adopted. Chambers FA478 lost 1473
Mar. 28 Committee FA475 (2) (sec 12) on file and pending. Chambers FA500 and FA501 lost 1481
Mar. 28 Chambers FA502 and FA503 lost 1487
Mar. 28 Chambers FA504 and FA506 lost. Hall-Chambers FA505 withdrawn. Bernard-Stevens motion to reconsider FA501 p. 1482 lost. Abboud motion to invoke cloture pending 1500
Mar. 28 Committee FA475 (2) (sec 12) pending. Lindsay request for ruling of Chair on which amendment is being voted on. Chair ruled FA475 will be voted on. Lindsay challenge of Chair prevailed. Committee AM3473 adopted. Abboud pending motion p. 1503 to invoke cloture prevailed.

Advanced for Review 1504
Mar. 30 Placed on Select File - AM5731 1587
Apr. 5 Will AM4309 printed 1707
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1351A. By Abboud

Mar. 25 Read first time. Placed on General File 1431
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1352. By Will

Jan. 20 Read first time 426
Jan. 25 Referred to Committee on Health and Human Services 479
Jan. 27 Notice of hearing (2/24) 521
Apr. 13 Placed on General File 2015
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1353. By General Affairs Committee

Jan. 20 Read first time 426
Jan. 25 Referred to Committee on General Affairs 480
Feb. 1 Notice of hearing (2/14) 561
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1354. By Schellpeper, Haberman, Hartnett, Will

Jan. 20 Read first time 426
Jan. 25 Referred to Committee on General Affairs 480
Feb. 1 Notice of hearing (2/14) 561
Feb. 23 Fisher priority bill 826
Feb. 23 Placed on General File - Com AM3333 829
Feb. 25 Fisher name added 892
Mar. 3 Will-Hall AM3509 printed 1008
Mar. 11 Hall-Will AM3699 printed 1161
Mar. 30 Robinson-Engel AM4159 printed 1609
Apr. 6 Committee AM3333 adopted. Will-Hall pending AM3699 p. 1161 adopted. Will-Hall pending AM3509 p. 1008 withdrawn. Robinson-Engel pending AM4159 p. 1609 lost. Advanced for Review 1751
Apr. 8 Placed on Select File - AM5738 1843
Apr. 11 Schellpeper AM4485 to AM5738 printed 1878
Apr. 12 AM5738 (E & R) adopted. Schellpeper pending AM4485 p. 1878 adopted. Chambers FA564 lost. Advanced for Engrossment 1928
Apr. 12 Correctly Engrossed 1953

Apr. 12 ER7484 change 1954
Apr. 14 Rasmussen motion to suspend rules prevailed 2072
Apr. 14 Final Reading 37-5-7 2080
Apr. 14 President signed 2091
Apr. 14 Presented to Governor (4/14) 2093
Apr. 21 Approved by Governor (4/19) 2148

LEGISLATIVE BILL 1355. By Schellpeper, Haberman

Jan. 20 Read first time 427
Jan. 25 Referred to Committee on General Affairs 480
Feb. 1 Notice of hearing (2/14) 561
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1356. By Warner

Jan. 20 Read first time 427
Jan. 25 Referred to Committee on Appropriations 480
Feb. 8 Notice of hearing (2/15) 618
Feb. 23 Appropriations Committee priority bill 821
Feb. 24 Placed on General File - Com AM3384 865
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1357. By Lindsay, Hall

Jan. 20 Read first time 427
Jan. 25 Referred to Committee on Judiciary 480
Feb. 2 Notice of hearing (2/9) 572
Feb. 10 Indefinitely postponed 681

LEGISLATIVE BILL 1358. By Preister, Bohlke, Hartnett, Janssen, Schmitt

Jan. 20 Read first time 427
Jan. 25 Referred to Committee on Natural Resources 480
Feb. 2 Notice of hearing (2/10) 571
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1359. By Preister, Abboud, Ashford, Avery, Beutler, Bohlke, Bromm, Day, Hartnett, Hillman, Hudkins, Lindsay, Matzke, Monen, Pedersen, Pirsch, Rasmussen

Jan. 20 Read first time 427
Jan. 25 Referred to Committee on Executive Board 480
Feb. 3 Notice of hearing (2/16) 595
Feb. 23 Preister priority bill 821
Mar. 2 Hall AM3471 to committee AM3468 printed 968
Mar. 2 Placed on General File - Com AM3468 970
Mar. 24 Preister AM3737 printed 1410

Apr. 15 Indefinitely postponed 2141
(Provisions/portions of LB 1359 amended into LB 1243 by AM4586)

LEGISLATIVE BILL 1359A. By Preister

Mar. 14 Read first time. Placed on General File 1196
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1360. By Preister, Bromm, Hartnett

Jan. 20 Read first time 427
Jan. 25 Referred to Committee on Natural Resources 480
Feb. 2 Notice of hearing (2/10) 571
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1361. By Fisher

Jan. 20 Read first time 428
Jan. 25 Referred to Committee on Urban Affairs 480
Jan. 25 Notice of hearing (2/22) 490
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1362. By Speaker Withem, at the request of the Governor

Mar. 1 Read first time 939
Mar. 2 Referred to Committee on Revenue 968
Mar. 2 Notice of hearing (3/9) 970
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE BILL 1363. By Business and Labor Committee

Mar. 8 Abboud motion to introduce bill laid over 1053
Mar. 10 Abboud pending motion p. 1053 prevailed.
Read first time 1096
Mar. 10 Referred to Committee on Business and Labor 1122
Mar. 10 Notice of hearing (3/22) 1126
Mar. 23 Indefinitely postponed 1354

LEGISLATIVE BILL 1364. By Business and Labor Committee

Mar. 8 Abboud motion to introduce bill laid over 1053
Mar. 10 Abboud pending motion p. 1053 prevailed 1096
Mar. 10 Read first time 1097
Mar. 10 Referred to Committee on Business and Labor 1122
Mar. 10 Notice of hearing (3/22) 1126
Mar. 23 Placed on General File - Com AM3951 1353
Mar. 30 Schimek-Preister-Vrtiska-Bromm AM4194 printed 1650
Mar. 31 Committee AM3951 adopted. Schimek et al

pending AM4194 p. 1650 lost.
Bohlke AM3957 lost. Advanced for Review 1670
Apr. 6 Placed on Select File - AM5733 1750
Apr. 13 AM5733 (E & R) adopted.
Advanced for Engrossment 1973
Apr. 13 Correctly Engrossed 1982
Apr. 15 Withem motion to suspend rules prevailed.
Final Reading w/E 41-0-8 2096
Apr. 15 President signed 2109
Apr. 15 Presented to Governor (4/15) 2117
Apr. 21 Approved by Governor (4/19) 2149

CHRONOLOGY OF RESOLUTIONS REFERRED TO COMMITTEE

NINETY-THIRD LEGISLATURE SECOND SESSION 1994

LEGISLATIVE RESOLUTION 2CA. By Landis, Ashford, Hohenstein

Jan.	5	Title	58
Jan.	10	Landis priority resolution. Landis AM2697 printed	260
Jan.	12	Landis pending AM2697 p. 260 lost. Beutler motion to indefinitely postpone laid over	287
Jan.	27	Beutler pending motion p. 287 withdrawn. Advanced for Review	511
Feb.	1	Placed on Select File - AM5647	555
Feb.	8	Kristensen-Lindsay AM3049 printed	651
Feb.	16	AM5647 (E & R) adopted. Kristensen-Lindsay pending AM3049 p. 651 and Chambers FA373 lost. Advanced for Engrossment	751
Feb.	23	Correctly Engrossed	813
Mar.	2	Final Reading 39-5-5	953
Mar.	2	Speaker signed	962
Mar.	2	Presented to Secretary of State (3/2)	969
Mar.	2	Vrtiska explanation of vote	977

LEGISLATIVE RESOLUTION 4CA. By Kristensen

Jan.	5	Title	58
Jan.	25	Indefinitely postponed	478

LEGISLATIVE RESOLUTION 8CA. By Chambers, Baack, Abboud, Avery, Bernard-Stevens, Bohlke, Bromm, Coordsen, Crosby, Cudaback, Day, Dierks, Elmer, Haberman, Hall, Hartnett, Hillman, Horgan, Hudkins, Janssen, Kristensen, Lindsay, Lynch, McKenzie, Preister, Robak, Schimek, Schmitt, Vrtiska, Wesely, Wickersham, Withem

Jan.	5	Title	58
Apr.	15	Indefinitely postponed	2141

LEGISLATIVE RESOLUTION 11CA. By Beutler

Jan. 5 Title 59
Jan. 18 Indefinitely postponed 351

LEGISLATIVE RESOLUTION 12CA. By Baack

Jan. 5 Title 63
Jan. 25 Indefinitely postponed 478

LEGISLATIVE RESOLUTION 14CA. By Horgan

Jan. 5 Title 64
Jan. 18 Indefinitely postponed 351

LEGISLATIVE RESOLUTION 15CA. By Kristensen

Jan. 5 Title 68
Jan. 12 Advanced for Review 304
Jan. 20 Placed on Select File - AM5609 411
Feb. 8 Chambers FA352 printed 647
Feb. 14 Withem AM2865 printed 727
Feb. 15 AM5609 (E & R) adopted. Chambers pending FA352 p. 647 lost. Wesely AM2793 withdrawn. Withem pending AM2865 p. 727 adopted as amended by Chambers FA372 739
Feb. 16 Chambers FA374 printed 757
Feb. 16 Hartnett motion to reconsider Chambers FA352 p. 647 laid over 764
Feb. 24 Withem AM3305 printed 860
Feb. 25 Speaker priority resolution 875
Apr. 13 Kristensen AM4579 printed 2010
Apr. 14 Kristensen pending AM4579 p. 2010 adopted as amended by Chambers FA583 and Kristensen FA584. Hartnett pending motion p. 764, Chambers pending FA374 p. 757, and Withem pending AM3305 p. 860 withdrawn. Advanced for Engrossment 2091
Apr. 15 Correctly Engrossed. ER7501 change 2095
Apr. 15 Kristensen motion to suspend rules prevailed. Final Reading 30-13-6 2131
Apr. 15 Speaker signed 2133
Apr. 15 Presented to Secretary of State (4/15) 2139

LEGISLATIVE RESOLUTION 16. By Coordsen, Abboud, Robinson, Crosby, Jones, Vrtiska, McKenzie, Hudkins, Hohenstein, Schmitt, Janssen, Avery, Witek, Pedersen, Fisher, Bromm,

Haberman, Cudaback, Wehrbein, Dierks, Schellpeper, Elmer, Wickersham, Robak, Pirsch, Byars, Warner

Jan. 5 Title 68
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE RESOLUTION 18CA. By Beutler

Jan. 5 Title 69
Jan. 25 Indefinitely postponed 478

LEGISLATIVE RESOLUTION 19CA. By Bromm

Jan. 5 Title 70
Feb. 15 Indefinitely postponed 747

LEGISLATIVE RESOLUTION 21CA. By Warner, Bromm, Fisher, Pedersen, Schellpeper, Witek

Jan. 5 Title 70
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE RESOLUTION 22CA. By Beutler

Jan. 5 Title 71
Jan. 25 Indefinitely postponed 478

LEGISLATIVE RESOLUTION 26CA. By Crosby

Jan. 5 Title 72
Jan. 18 Indefinitely postponed 351

LEGISLATIVE RESOLUTION 27CA. By Rasmussen

Jan. 5 Title 74
Jan. 25 Indefinitely postponed 479

LEGISLATIVE RESOLUTION 28CA. By Beutler

Jan. 5 Title 74
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE RESOLUTION 29CA. By Pirsch, Abboud, Ashford, Beutler, Bromm, Dierks, Fisher, Haberman, Hohenstein, Horgan, Hudkins, Lindsay, Pedersen, Preister, Robak, Schimek, Schmitt, Vrtiska, Wehrbein, Will, Witek, Jones

Jan. 5 Title 76
Jan. 24 Pirsch motion to place on General File laid over 468
Jan. 25 Pirsch-Witek-Robak-Schimek-Pedersen-Ashford-Will AM2689 printed 495
Jan. 26 Pirsch pending motion p. 468 prevailed. Ruling of Chair. Placed on General File 500
Jan. 26 Chambers motion to reconsider action on p. 500 pending 501
Feb. 1 Pirsch priority resolution 562
Feb. 2 Correction 569
Feb. 3 Chambers pending motion p. 501 withdrawn. Chambers FA346 to AM2689 pending 594
Feb. 4 Pirsch et al pending AM2689 p. 495 adopted as amended by Beutler FA347. Chambers pending FA346 p. 594 lost. Advanced for Review 607
Feb. 8 Placed on Select File - AM5651 637
Mar. 3 AM5651 (E & R) adopted. Chambers FA407 and Bromm-Landis FA410 adopted. Hall FA408 withdrawn. Hall FA409 lost. Chambers FA411 pending 990
Mar. 8 Chambers pending FA411 p. 993 and FA413 lost. Monen FA412 withdrawn 1016
Mar. 8 Chambers FA414, FA415, and FA416 lost. Pirsch motion to suspend rules and vote without further debate pending 1024
Mar. 8 Pirsch pending motion p. 1026 lost. Chambers FA417 lost as amended by Lindsay FA418 1031
Mar. 8 Lindsay FA419 withdrawn. Bromm FA420 adopted. Advanced for Engrossment 1047
Mar. 11 Correctly Engrossed. ER7427 change 1180
Mar. 29 Withem AM4166 printed 1557
Mar. 30 Chambers FA515 printed 1611
Apr. 12 Returned to Select File for Withem amendment. Withem pending AM4166 p. 1557 adopted. Advanced for Reengrossment 1939
Apr. 12 Correctly Reengrossed 1953
Apr. 14 Rasmussen motion to suspend rules prevailed 2072
Apr. 14 Chambers motion to return to Select File for FA515 withdrawn 2081
Apr. 14 Final Reading 37-5-7 2082
Apr. 14 President signed 2091
Apr. 15 Presented to Secretary of State (4/15) 2117

LEGISLATIVE RESOLUTION 79. By Coordsen

Jan. 5 Title 77
Mar. 14 Reported to Legislature for further consideration 1185
Apr. 14 Resolution adopted 2058

LEGISLATIVE RESOLUTION 276CA. By Kristensen

Jan. 5 Read first time.
Referred to Reference Committee 167
Jan. 7 Referred to Committee on Revenue 210
Jan. 20 Notice of hearing (1/27) 413
Jan. 24 Hartnett name added 475
Feb. 15 Indefinitely postponed 747

LEGISLATIVE RESOLUTION 277CA. By Kristensen

Jan. 5 Read first time 167
Jan. 5 Referred to Reference Committee 168
Jan. 7 Referred to Committee on Revenue 210
Jan. 20 Notice of hearing (1/27) 413
Feb. 4 Placed on General File - Com AM2977 613
Feb. 16 Kristensen AM3212 to committee AM2977 printed 757
Feb. 23 Schmitt priority resolution 826
Apr. 6 Committee AM2977 adopted as amended by Kristensen pending AM3212 p. 757.
Advanced for Review 1750
Apr. 8 Placed on Select File 1842
Apr. 12 Advanced for Engrossment 1928
Apr. 12 Correctly Engrossed 1942
Apr. 14 Rasmussen motion to suspend rules prevailed 2072
Apr. 14 Final Reading 40-0-9 2076
Apr. 14 President signed 2091
Apr. 15 Presented to Secretary of State (4/15) 2117

LEGISLATIVE RESOLUTION 278CA. By Kristensen

Jan. 5 Read first time.
Referred to Reference Committee 168
Jan. 7 Referred to Committee on Judiciary 210
Jan. 12 Notice of hearing (1/20) 308
Jan. 25 Indefinitely postponed 490

LEGISLATIVE RESOLUTION 279. By Kristensen

Jan. 5 Read first time 171
Jan. 5 Referred to Reference Committee 172
Jan. 7 Referred to Committee on Government,

Military and Veterans Affairs 210
Jan. 18 Notice of hearing (1/26) 359
Mar. 2 Indefinitely postponed 966

LEGISLATIVE RESOLUTION 280CA. By Crosby, Hudkins, Moore, Wehrbein, Witek

Jan. 5 Read first time.
Referred to Reference Committee 172
Jan. 7 Referred to Committee on Government, Military and Veterans Affairs 210
Jan. 12 Crosby-Witek-Wehrbein-Moore motion to withdraw resolution laid over 289
Jan. 18 Crosby et al pending motion p. 289 prevailed. Withdrawn 338

LEGISLATIVE RESOLUTION 282. By Kristensen

Jan. 6 Read first time 191
Jan. 6 Referred to Reference Committee 193
Jan. 10 Referred to Committee on Government, Military and Veterans Affairs 248
Jan. 13 Notice of hearing (1/20) 322
Jan. 25 Placed on General File 478
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE RESOLUTION 284. By Robinson

Jan. 6 Read first time Laid over 193
Jan. 6 Referred to Reference Committee 206
Jan. 10 Referred to Committee on Natural Affairs 248
Jan. 13 Notice of hearing (1/20) 318
Jan. 26 Reported to Legislature for further consideration 502
Jan. 27 Adopted 510
Feb. 1 Speaker signed 556

LEGISLATIVE RESOLUTION 285CA. By Jones, Coordsen, Dierks, Schellpeper, Schmitt

Jan. 6 Read first time 198
Jan. 6 Referred to Reference Committee 200
Jan. 10 Referred to Committee on Revenue 248
Jan. 18 Elmer name added 362
Feb. 1 Notice of hearing (2/25) 561
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE RESOLUTION 293CA. By General Affairs Committee

Jan. 10 Read first time 258
Jan. 10 Referred to Reference Committee 259
Jan. 11 Referred to Committee on General Affairs 274
Feb. 1 Notice of hearing (2/14) 561
Feb. 23 Hall priority resolution 826
Feb. 24 Placed on General File 843
Apr. 6 Advanced for Review 1751
Apr. 8 Placed on Select File 1845
Apr. 11 Robak AM4496 printed 1885
Apr. 12 Robak pending AM4496 p. 1885 ruled germane.
Hall motion to overrule agenda withdrawn 1929
Apr. 12 Hall AM4538 printed 1946
Apr. 13 Robak pending AM4496 p. 1885 withdrawn.
Hall pending AM4538 p. 1946 lost as amended by Hall FA579. Chambers motion to indefinitely postpone lost.
Advanced for Engrossment 1984
Apr. 13 Correctly Engrossed 2008
Apr. 15 Withem motion to suspend rules prevailed 2096
Apr. 15 Final Reading 31-11-7 2112
Apr. 15 Speaker signed 2116
Apr. 15 Presented to Secretary of State (4/15) 2118

LEGISLATIVE RESOLUTION 295CA. By Crosby, Moore, Wehrbein, Witek

Jan. 12 Read first time.
Referred to Reference Committee 299
Jan. 13 Referred to Committee on Government, Military and Veterans Affairs 322
Jan. 24 Schimek name added 475
Jan. 25 Notice of hearing (2/4) 480
Feb. 9 Placed on General File 656
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE RESOLUTION 296CA. By Beutler

Jan. 13 Read first time 315
Jan. 13 Referred to Reference Committee 316
Jan. 19 Referred to Committee on Judiciary 365
Feb. 9 Notice of hearing (2/16) 664
Feb. 17 Indefinitely postponed 777

LEGISLATIVE RESOLUTION 299CA. By Witek

Jan. 18 Read first time 353
Jan. 18 Referred to Reference Committee 354

Jan. 20 Referred to Committee on Judiciary 391
Feb. 15 Notice of hearing (2/25) 737
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE RESOLUTION 300CA. By Will, at the request of the Governor

Jan. 19 Read first time 387
Jan. 19 Referred to Reference Committee 388
Jan. 21 Referred to Committee on Judiciary 436
Feb. 9 Notice of hearing (2/17) 664
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE RESOLUTION 301CA. By Pirsch

Jan. 20 Read first time 428
Jan. 20 Referred to Reference Committee 429
Jan. 24 Referred to Committee on Judiciary 451
Feb. 9 Notice of hearing (2/17) 664
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE RESOLUTION 302CA. By Hall

Jan. 20 Read first time 429
Jan. 20 Referred to Reference Committee 430
Jan. 25 Referred to Committee on General Affairs 480
Feb. 1 Notice of hearing (2/14) 561
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE RESOLUTION 303CA. By General Affairs Committee

Jan. 20 Read first time 430
Jan. 20 Referred to Reference Committee 431
Jan. 25 Referred to Committee on General Affairs 480
Feb. 1 Notice of hearing (2/14) 561
Feb. 15 Notice of hearing (2/15) (continued)
Apr. 5 Placed on General File - Com AM4195 1711
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE RESOLUTION 304. By Preister, Dierks

Feb. 3 Read first time. Laid over 579
Feb. 3 Referred to Committee on Natural Resources 597
Feb. 4 Notice of hearing (2/11) 608
Apr. 15 Indefinitely postponed 2141

LEGISLATIVE RESOLUTION 319. By Coordsen, Avery, Schellpeper, Pirsch, Hudkins, Pedersen, Robinson, Schmitt, Wehrbein, Vrtiska, Moore, Fisher, Wickersham, Abboud, Warner, Cudaback, Robak, Elmer, Haberman, Matzke, McKenzie, Crosby, Janssen, Dierks, Byars, Witek, Jones, Hartnett

Feb. 23 Read first time. Laid over 825
Feb. 25 Wesely AM4027 printed 889
Feb. 25 Bromm name added 892
Feb. 28 Chambers request that a majority of elected members be required for adoption of LR. Chair ruled amendments are in order. Chambers FA383 to AM4027 pending 907
Feb. 28 Chambers pending FA383 p. 907 lost 910
Feb. 28 Wesely pending AM4027 p. 889 and Chambers FA384 lost 912
Feb. 28 Chambers FA385 withdrawn. Coordsen FA386 and Chambers FA387 adopted 916
Feb. 28 Chambers FA388 adopted. Monen FA389 lost. Resolution adopted 30-5-14 920
Mar. 1 Witek and Pedersen explanations of vote 931
Mar. 2 Correctly Enrolled. Enrolled resolution printed 948
Mar. 2 Speaker signed 963

LEGISLATIVE RESOLUTION 337. By Beutler

Mar. 14 Read first time. Laid over 1187
Mar. 14 Referred to Reference Committee 1193
Mar. 15 Referred to Committee on Natural Resources. Notice of hearing (3/22) 1213
Mar. 30 Reported to Legislature for further consideration with AM4158 1661
Apr. 14 Resolution adopted as amended by Committee AM4158 2058
Apr. 14 Correctly Enrolled. Enrolled resolution printed 2089
Apr. 14 President signed 2091

LEGISLATIVE RESOLUTION 349. By Beutler

Mar. 23 Read first time. Laid over 1345
Mar. 23 Referred to Reference Committee 1346
Mar. 24 Referred to Committee on Natural Resources 1420
Mar. 24 Notice of hearing (3/31) 1421
Apr. 12 Reported to Legislature for further consideration with AM4539 1945
Apr. 14 Resolution adopted as amended by Committee AM4539 2058
Apr. 14 Correctly Enrolled 2089

Apr. 14 Enrolled resolution printed 2090
Apr. 14 President signed 2091

LEGISLATIVE RESOLUTION 502. By Wesely

Apr. 7 Read first time. Laid over 1804
Apr. 7 Referred to Reference Committee 1806
Apr. 7 Referred to Committee on Health and Human Services 1816
Apr. 14 Reported to Legislature for further consideration 2091
Apr. 15 Resolution adopted as amended by Warner FA592 2138
Apr. 21 Correctly Enrolled. Enrolled resolution printed 2142

INTRODUCERS OF BILLS AND RESOLUTIONS REFERRED TO COMMITTEE

NINETY-THIRD LEGISLATURE
SECOND SESSION
1994

CHRIS ABBOUD

LB	
137*	Change provisions for commencement and limitation of product liability actions.
262*	Change provisions for when a civil suit is permitted.
379*	Change provisions for prosecution of persons committing the offense of unauthorized use of a financial transaction device.
380*	Adopt the Economy and Productivity In State Government Act.
495*	Permit distribution of samples of smokeless tobacco products for promotional purposes.
551*	Provide power to establish and fund a scholarship program for underprivileged youth in certain counties.
558*	Change provisions for furnishing proof of financial responsibility for renewal of motor vehicle registration by telephone.
630*	Provide duties and limitations for municipalities annexing territory and change provisions for annexation of sanitary and improvement districts.
717*	Preserve the powers of the chief of police in metropolitan class cities against certain labor agreement provisions.
754	Authorize pooling by self-insurers relating to workers' compensation.
754A	Appropriation Bill.
791*	Eliminate the Thoroughbred Racing Assistance Fund.
876*	Allow state chartered savings and loan associations equal power as federal associations.
883	Change provisions relating to real estate licensees.
883A	Appropriation Bill.
908*	Change provisions and penalties for child abuse.
911*	Provide for special master proceedings by the Commission of Industrial Relations.
912	Change provisions relating to appeals of orders suppressing certain statements relating to criminal procedure.
913*	Redefine "educational service agency" for purposes of disqualification for employment security benefits.

924* Change the amount of household income and actual value of a homestead for a homestead exemption.
945* Change the sales factor used for unitary businesses for income tax purposes.
946* Create the Child Protection Study Commission.
988*** Change provisions in the juvenile justice system.
989* Allow school districts participating in the Early Childhood Education Pilot Project to receive state aid.
1025* Require fingerprints and a criminal background check for fire department applicants for metropolitan class cities.
1034* Provide funds for scrap tire reduction and recycling.
1098* Adopt the Interstate Insurance Protection Compact.
1101* Change conditions disqualifying an individual from employment security benefits.
1151* Dedicate a portion of the cigarette tax to provide for teacher salaries.
1224*** Adopt the Welfare Reform Act and change provisions relating to public assistance.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1350 Change the definitions of murder in the second degree and manslaughter.
1351* Designate the Nebraska Crime Control Act of 1994.
1351A Appropriation Bill.
1359* Require computer access to legislative documents.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
16* Memorialize Congress to authorize states to prohibit desecration of the flag.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.
319* Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.

BRAD ASHFORD

LB

82 Change provisions relating to liability for and procedures of vehicular pursuit.
85 Change applicability of the Civil Service Act.
181* Change provisions relating to student discipline.
211* Create the Health Advisory Board and change identification requirements for issuance of drivers' licenses.
221* Change allocations of funds for roads in counties.
241* Change provisions relating to recognized veterans organizations.
290* Establish a fee on gross receipts of certain motor vehicle rental transactions.

488	Authorize Nebraska and foreign professional corporations to provide services in other jurisdictions and to merge and consolidate.
509*	Provide salary increases for the Supreme Court judges.
600*	Change the mode of inflicting the death penalty to lethal injection.
601*	Prohibit former senators and legislative staff from engaging in lobbyist activities.
618*	Change provisions for sale or service of alcoholic liquor by minors in the course of employment.
619*	Impose a surcharge on certain defendants.
753*	Change the unemployment table for employment security.
765	Adopt the Community Correctional Facilities and Programs Act.
766	Provide for assistive animals for handicapped persons.
903*	Increase the salary and number of judges and change judicial nominating commissions.
908*	Change provisions and penalties for child abuse.
911*	Provide for special master proceedings by the Commission of Industrial Relations.
927*	Prohibit the transportation or possession of assault firearms.
945*	Change the sales factor used for unitary businesses for income tax purposes.
986*	Change provisions for the required vote on approval of allocations from the Waste Reduction and Recycling Incentive Fund.
988***	Change provisions in the juvenile justice system.
989*	Allow school districts participating in the Early Childhood Education Pilot Project to receive state aid.
1011*	Require a handgun safety training certificate to obtain a certificate to purchase a handgun.
1012*	Require firearms to be stored safely and provide penalties.
1013*	Prohibit a person from allowing a minor to possess a handgun.
1018*	Adopt the Gun-Free School Zone Act.
1050*	Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.
1072*	Authorize Omaha to increase the city sales and use tax.
1087*	Exempt labor and installation services from sale and use tax.
1140*	Provide for testimony by telephone and audiovisual means in certain civil proceedings.
1151*	Dedicate a portion of the cigarette tax to provide for teacher salaries.
1164	Change a provision for disqualification of employment security benefits due to misconduct.

1224*** Adopt the Welfare Reform Act and change provisions relating to public assistance.
1246* Provide for a credit against income tax for companies that contribute to a firearm buy-back program.
1295 Require the teaching of Nebraska history in schools.
1297 Adopt the Alarm Industry Licensing Act.
1299* Change provisions for eminent domain relating to the University of Nebraska.
1305* Provide an income tax credit for long-term care insurance premiums.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1342* Prohibit criminal intimidation and provide a penalty.
1351* Designate the Nebraska Crime Control Act of 1994.
1359* Require computer access to legislative documents.

LR

2CA* Constitutional amendment to authorize the Legislature to provide for enforcement of mediation and other forms of dispute resolution.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.

MICHAEL T. AVERY

LB

185* Define "ex parte communication" relating to administrative procedure.
241* Change provisions relating to recognized veterans organizations.
551* Provide power to establish and fund a scholarship program for underprivileged youth in certain counties.
552* Change provisions for travel reports of state-owned motor vehicles.
908* Change provisions and penalties for child abuse.
922* Change salary provisions for full-time veterans service officers of the county.
988*** Change provisions in the juvenile justice system.
996* Change provisions for the number of judges of the separate juvenile court to be appointed.
1002* Adopt the Water Service Regulation Act.
1034* Provide funds for scrap tire reduction and recycling.
1052* Increase the number of judges in the second district court judicial district.
1087* Exempt labor and installation services from sale and use tax.
1122* Provide the Department of Environmental Quality make available a rate schedule for equipment and services used for remedial action.
1139* Adopt the County Industrial Sewer Construction Act.

1174* Require the Tax Commissioner to examine the accuracy of reported taxes under the Local Option Revenue Act when examining sales and use tax records.
1175* Provide duties for the Tax Commissioner and change provisions relating to city sales tax elections.
1213* Change provisions relating to compulsive gambling disorders.
1259* Provide an increase in the surcharge for 911 emergency telephone systems.
1287* Increase the contribution rates for the State Patrol retirement system.
1288* Change provisions relating to the Environmental Quality Council.
1294 Change provisions for membership on planning commissions for cities and villages.
1298* Change provisions for personal property remaining on premises after vacation of premises by a tenant.
1309* Increase the amount of attorney's fees in a contested election for the Legislature.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1349* Adopt the Remedial Action Plan Monitoring Act.
1349A Appropriation Bill.
1351* Designate the Nebraska Crime Control Act of 1994.
1359* Require computer access to legislative documents.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
16* Memorialize Congress to authorize states to prohibit desecration of the flag.
319* Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.

DENNIS G. BAACK

(Carryover bills by former senator that were not cosponsored or considered during 1994 session)

LB

586 Provide for alternative equivalent certificates for teaching.
613 Authorize fuel tax exemption certificates for counties.

LR

12CA Provide for an annual adjustment in legislators' salaries to reflect changes in cost of living.

DAVID BERNARD-STEVENS

LB

28* Change powers and duties of carrier enforcement officers.
79* Change provisions for withdrawal of ground water for industrial purposes.

135	Require inspections of tattoo establishments.
140*	Change provisions for health and safety rules and regulations for railroad employees.
140A	Appropriation Bill.
144	Provide notice by Department of Environmental Control for remedial action plans.
241*	Change provisions relating to recognized veterans organizations.
291*	Create and provide duties for the State Mental Health Planning and Evaluation Council.
335	Adopt the Nebraska Aquaculture Act.
337*	Change provisions for treatment ordered by mental health boards.
438*	Change the name of the Department of Public Institutions.
469	Change provisions for creation and appointment of child abuse and neglect investigation and treatment teams.
495*	Permit distribution of samples of smokeless tobacco products for promotional purposes.
528*	Change provisions for immunization requirements for students enrolling in school.
531*	Provide for communication agreements with birth parents relating to adoption.
537*	Provide general obligation bond authority for natural resources districts.
637*	Change provisions and fees for campaign statements and to register as a lobbyist.
640*	Provide harassment is an unlawful employment practice.
695	Provide for the Nebraska Tree Recovery Program and for regulation of trees, streets, and sidewalks in cities and villages.
695A	Appropriation Bill.
722*	Adopt the Municipal Proprietary Function Act and the Municipal Miscellaneous Expenditure Act.
797*	Authorize a long-term care security demonstration program.
820*	Require signing of Supreme Court decisions by the justice principally writing the opinion.
920	Change the time period for disposing of property covered by liens for services.
950	Provide for the Nebraska Tree Recovery Program.
972*	Allow access to recording statements by real estate appraisers.
986*	Change provisions for the required vote on approval of allocations from the Waste Reduction and Recycling Incentive Fund.
988***	Change provisions in the juvenile justice system.
988A	Appropriation Bill.

1000	Credit a portion of the marriage license fee to the Domestic Violence and Sexual Assault Prevention Cash Fund.
1000A	Appropriation Bill.
1032	Provide civil penalties for railroads and rail carriers.
1033	Provide an exemption from sales and use taxes for certain purchases by veterans organizations.
1034*	Provide funds for scrap tire reduction and recycling.
1151*	Dedicate a portion of the cigarette tax to provide for teacher salaries.
1155*	Define "specialized mobile equipment" and change provisions relating to vehicle weight.
1165	Change provisions relating to the Nebraska Aquaculture Board.
1317*	Provide height requirements for motor vehicles.

LR

8CA*	Authorize Legislators to participate in employee benefit programs available to other state officials.

CHRIS BEUTLER

LB

100*	Change the age of compulsory education.
185*	Define "ex parte communication" relating to administrative procedure.
241*	Change provisions relating to recognized veterans organizations.
314*	Change the percentage amount of certain state boards of examiners fees credited to the General Fund.
391	Provide a condition for licensure of a low-level radioactive waste facility.
481A	Appropriation Bill.
569	Change the age limits relating to compulsory education.
570	Change penalty provisions in the Environmental Protection Act.
571	Redefine terms relating to erosion and sediment control.
574	Restrict sales of electric energy by independent power producers.
622	Permit the Game and Parks Commission to establish fees.
624	Create the Task Force on River Assessment.
642*	Require a disclosure statement for certain residential real property sales.
647*	Provide for programs for learners with high ability.
735	Change a provision for when a divorce decree becomes final.
736	Adopt the Drinking Water Source Quality Act.
737	Change the number of members of the Game and Parks Commission and the districts.
738	Adopt the Real Estate Closing Act.

751	Provide notice of possible future laws and rules integrating management of ground water and surface water.
770*	Change provisions for permits to raise wild animals.
773*	Change fees for nonresident permits for hunting wild turkeys.
817*	Adopt the Hospital Cooperation Act.
820*	Require signing of Supreme Court decisions by the justice principally writing the opinion.
902*	Change provisions relating to land valuation and the homestead exemption.
924*	Change the amount of household income and actual value of a homestead for a homestead exemption.
936*	Change the offense of issuing a bad check.
944*	Prohibit contributions to members of and candidates for the Legislature and executive branch officials during certain periods.
955	Change provisions for the number of district and county court judges.
981	Provide for the decommissioning of illegal water wells.
981A	Appropriation Bill.
988***	Change provisions in the juvenile justice system.
989*	Allow school districts participating in the Early Childhood Education Pilot Project to receive state aid.
1002*	Adopt the Water Service Regulation Act.
1003*	Adopt the Candidate Campaign Committee Income Tax Act.
1030	Provide for the regulation and inspection of chemigation containers and storage facilities.
1038	Eliminate a requirement to publish expenditure lists by natural resources districts.
1039	Authorize user fees for recreational trails.
1050*	Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.
1084	Change provisions for expenditures and allocations from the Nebraska Soil and Water Conservation Fund and the Nebraska Resources Development Fund.
1106	Provide that all appeals from the juvenile court be taken to the Court of Appeals.
1106A	Appropriation Bill.
1107*	Provide for residential and general certification of real estate appraisers.
1116	Change provisions for the elective share of a spouse of a nonresident decedent when real estate in this state is involved.
1130	Change provisions for designation of lots in additions in primary class cities.

1131	Change a date for funds from the Low Level Radioactive Waste Compact States to be remitted to the Community Improvement Cash Fund.
1140*	Provide for testimony by telephone and audiovisual means in certain civil proceedings.
1170	Adopt the Environmental Education Act.
1171	Change provisions for distribution of public funds and reporting under the Campaign Finance Limitation Act.
1172	Exempt part-time band and orchestra members from employment security benefits.
1173	Provide for vacancies in certain courts and increase the membership on the Court of Appeals.
1204*	Change provisions for an emission fee collected from air pollution sources.
1207*	Change provisions for solid waste management, motor vehicle registration fees, leasing sales tax, sales tax exemptions, and the Environmental Trust Fund.
1207A	Appropriation Bill.
1222***	Adopt health insurance acts and change other insurance provisions.
1223***	Change health care licensing, disciplining, financial assistance, and other assistance.
1300	Change the termination date for the Recreational Trails Fund.
1301	Adopt the Drinking Water Source Quality Act, the Tree Planting Incentive Act, and the River Assessment Act.
1302	Require reconveyance deeds and mortgage releases.
1307	Require legislative action prior to filling judicial vacancies for certain courts.
1319*	Authorize involuntary commitment for treatment for sexually violent predators.
1337*	Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1351*	Designate the Nebraska Crime Control Act of 1994.
1359*	Require computer access to legislative documents.

LR

11CA	Constitutional amendment to establish standards for redistricting.
18CA	Constitutional amendment to authorize Legislature to enact laws upon ratification by the people.
22CA	Constitutional amendment to authorize Legislature to offer alternative measures to measures initiated by the people.
28CA	Constitutional amendment to provide for disciplinary action against judges.
29CA*	Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.

296CA	Constitutional amendment to require legislative approval of appointments to the Supreme Court and the Court of Appeals.
337	Approve gift of land from Hardin Farms to the Game and Parks Commission.
349	Urge Congress to amend the Safe Water Drinking Act to permit public water supply systems to focus on issues which threaten public health.

ARDYCE BOHLKE

LB	
241*	Change provisions relating to recognized veterans organizations.
242*	Establish a standard to define sexual harassment.
291*	Create and provide duties for the State Mental Health Planning and Evaluation Council.
314*	Change the percentage amount of certain state boards of examiners fees credited to the General Fund.
337*	Change provisions for treatment ordered by mental health boards.
338*	Adopt the Electrolysis Practice Act.
438*	Change the name of the Department of Public Institutions.
524*	Adopt the Agricultural Chemical Storage and Containment Act.
525*	Provide methods for the payment of employee wages.
531*	Provide for communication agreements with birth parents relating to adoption.
600*	Change the mode of inflicting the death penalty to lethal injection.
607*	Authorize voluntary contributions to the retirement plan for firefighters in first class cities.
640*	Provide harassment is an unlawful employment practice.
640A	Appropriation Bill.
642*	Require a disclosure statement for certain residential real property sales.
656*	Change provisions for inspection of private water supplies and private sewage disposal facilities.
718*	Prohibit certain provisions for medical benefit contracts and mail-order pharmacies.
744*	Require health benefit programs to provide an open enrollment period to pharmacies.
820*	Require signing of Supreme Court decisions by the justice principally writing the opinion.
906*	Change provisions relating to jury, witness, and informant tampering in civil and criminal actions.
907*	Provide for the offense of false reporting to governmental departments or agencies.
922*	Change salary provisions for full-time veterans service officers of the county.

946* Create the Child Protection Study Commission.
951* Change provisions relating to criminal mischief.
952* Change provisions for the crime of public indecency.
956* Require insurance coverage for scalp hair prostheses.
962* Provide an exemption from a permit requirement for water wells.
963* Provide for certain transfers of ground water.
966* Require mobile home park owners to provide a storm shelter.
984* Provide an excise tax on corn and grain sorghum to pay for certain ethanol credits.
987* Change provisions relating to accrediting organizations for postsecondary education.
995* Provide for building levies for affiliated school systems.
1034* Provide funds for scrap tire reduction and recycling.
1055* Change provisions for the requirements for health education in public schools.
1065* Change restrictions on licensure of emergency medical technician-A/D services.
1081* Provide for issuance of special license plates to veterans of World War II.
1087* Exempt labor and installation services from sale and use tax.
1100* Change provisions for review of administrative rules and regulations by the Attorney General.
1151* Dedicate a portion of the cigarette tax to provide for teacher salaries.
1187* Provide for notice and hearing by power districts when certain transmission lines are proposed.
1204* Change provisions for an emission fee collected from air pollution sources.
1205 Provide for issuance of designated license plates for members of the Fraternal Order of Police.
1206* Change provisions for calculation of fund distribution from the Educational Excellence Fund.
1215 Create the Nebraska Law Enforcement Accreditation Council.
1218* Require notice of motor vehicle liability policy terminations, cancellations, and nonrenewals.
1219* Authorize a reduction in disposal fees for waste reduction and recycling programs.
1223*** Change health care licensing, disciplining, financial assistance, and other assistance.
1224*** Adopt the Welfare Reform Act and change provisions relating to public assistance.
1225* Create crimes involving obstruction of passage to or from and prohibited activities near health care facilities.
1250* Adopt and change student discipline procedures.

1260* Adopt the Cable Television Act.
1264* Change provisions for eligibility for medical assistance.
1277* Provide that certain districts and companies hold water appropriations for the benefit of electors and shareholders.
1311 Change provisions for transportation allowances in school districts.
1312 Change provisions for a tuition exemption in the public school system.
1313 Provide for a sampling retail liquor license whose holders may sell lottery tickets.
1313A Appropriation Bill.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1351* Designate the Nebraska Crime Control Act of 1994.
1358* Provide a declaration of public policy relating to renewable energy sources.
1359* Require computer access to legislative documents.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.

CURT BROMM

LB

37* Eliminate a fee on commercial fertilizer.
51 Change provisions relating to limitations on proceedings against trustees.
80* Lower the prohibited concentration of alcohol for DWI conviction.
185* Define "ex parte communication" relating to administrative procedure.
213* Adopt the County Initiative and Referendum Act.
232* Provide procedures for drawing legislative and congressional district boundaries.
241* Change provisions relating to recognized veterans organizations.
379* Change provisions for prosecution of persons committing the offense of unauthorized use of a financial transaction device.
537* Provide general obligation bond authority for natural resources districts.
600* Change the mode of inflicting the death penalty to lethal injection.
601* Prohibit former senators and legislative staff from engaging in lobbyist activities.
602* Authorize retirement at age sixty years for judges.
603 Provide for the priority of claims of sellers of federal funds relating to insolvent banks.
773* Change fees for nonresident permits for hunting wild turkeys.

905* Authorize a local income tax for school districts and affiliated districts.
908* Change provisions and penalties for child abuse.
913* Redefine "educational service agency" for purposes of disqualification for employment security benefits.
923* Provide for the sale of certain school lands and for reinvestment of such proceeds.
939* Exempt purchases by public museums from sales and use tax.
940* Limit application of the Nongame and Endangered Species Conservation Act.
941 Change provisions relating to utility loans.
944* Prohibit contributions to members of and candidates for the Legislature and executive branch officials during certain periods.
946* Create the Child Protection Study Commission.
963* Provide for certain transfers of ground water.
964 Provide for the use of certain license plates for historical vehicles.
973* Change provisions for the inspection of private water supplies and private sewage disposal facilities.
988*** Change provisions in the juvenile justice system.
995* Provide for building levies for affiliated school systems.
1002* Adopt the Water Service Regulation Act.
1034* Provide funds for scrap tire reduction and recycling.
1044* Change provisions for a surcharge for the 911 emergency telephone systems.
1050* Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.
1055* Change provisions for the requirements for health education in public schools.
1065* Change restrictions on licensure of emergency medical technician-A/D services.
1079* Require a program for use of gasohol in state vehicles.
1080* Change the auditing requirements of fire protection districts.
1095* Redefine "farm trucks" for purposes of motor vehicle registration.
1099* Eliminate a requirement for a special fuel user permit for diesel fuel users.
1100* Change provisions for review of administrative rules and regulations by the Attorney General.
1119 Change provisions for city council meetings and voting for second class cities.
1120 Change provisions for the costs of transcripts of certain municipal proceedings.

1140* Provide for testimony by telephone and audiovisual means in certain civil proceedings.
1142* Eliminate a restriction on the appointment of juvenile probation officers.
1144* Change provisions for the motor fuel tax rates.
1150 Provide a penalty for unauthorized reconnection of certain electrical, gas, or water service.
1188* Redefine "qualifying business" under the Local Option Municipal Economic Development Act.
1189* Change eminent domain procedures relating to railroads.
1213* Change provisions relating to compulsive gambling disorders.
1218* Require notice of motor vehicle liability policy terminations, cancellations, and nonrenewals.
1277* Provide that certain districts and companies hold water appropriations for the benefit of electors and shareholders.
1308 Eliminate trial by jury for certain criminal cases in county court.
1309* Increase the amount of attorney's fees in a contested election for the Legislature.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1345* Change provisions for appointment, powers, and duties of guardians and conservators.
1351* Designate the Nebraska Crime Control Act of 1994.
1359* Require computer access to legislative documents.
1360* Establish the Renewable Energy Commission.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
16* Memorialize Congress to authorize states to prohibit desecration of the flag.
19CA Constitutional amendment to allow in lieu of tax payments for real property acquired for water supply purposes for cities.
21CA* Constitutional amendment to provide that money from taxes and fees imposed on motor vehicles be used for payment of highway obligations.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.
319* Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.

DENNIS M. BYARS

LB

100* Change the age of compulsory education.
123* Provide for titling of motorboats.
197 Change provisions relating to forms of identification required to obtain a driver's license.

238*	Change safety requirements for towing cabin trailers and boats.
245*	Change provisions relating to hunting permits.
290*	Establish a fee on gross receipts of certain motor vehicle rental transactions.
291*	Create and provide duties for the State Mental Health Planning and Evaluation Council.
337*	Change provisions for treatment ordered by mental health boards.
424	Provide additional exemptions from vehicle inspections.
438*	Change the name of the Department of Public Institutions.
496*	Change provisions relating to the practice of pharmacy.
607*	Authorize voluntary contributions to the retirement plan for firefighters in first class cities.
711	Change provisions relating to child support.
718*	Prohibit certain provisions for medical benefit contracts and mail-order pharmacies.
744*	Require health benefit programs to provide an open enrollment period to pharmacies.
817*	Adopt the Hospital Cooperation Act.
904*	Change provisions for criteria regarding change in scope of practice under the Nebraska Regulation of Health Professions Act.
905*	Authorize a local income tax for school districts and affiliated districts.
924*	Change the amount of household income and actual value of a homestead for a homestead exemption.
946*	Create the Child Protection Study Commission.
959*	Exempt personal property other than certain motor vehicles from property tax.
960*	Exempt farm products from property taxation.
961*	Exempt livestock from personal property tax, change provisions relating to ethanol, and change distribution of cigarette tax proceeds.
988***	Change provisions in the juvenile justice system.
1016*	Provide for emergency box drugs in certain care institutions.
1034*	Provide funds for scrap tire reduction and recycling.
1086	Provide for detached branch banks outside the corporate limits of a city.
1087*	Exempt labor and installation services from sale and use tax.
1089	Provide for membership of certified nurse practitioners or a certified nurse midwife on the State Board of Health.
1091*	Require notice of cancellation and termination of motor vehicle liability insurance policies.
1108*	Provide duties for employers, proprietors, and persons in charge of public meetings relating to smoking.

1109* Require certain employees to pay for collective bargaining.
1123* Adopt the Comprehensive Rehabilitation and Assistive Technology Act.
1136* Create the Advisory Committee on Developmental Disabilities and state intent for appropriations for services.
1136A Appropriation Bill.
1137 Change, transfer, and eliminate provisions for the licensure of psychologists.
1177* Create the Developmental Disabilities Commission.
1213* Change provisions relating to compulsive gambling disorders.
1222*** Adopt health insurance acts and change other insurance provisions.
1223*** Change health care licensing, disciplining, financial assistance, and other assistance.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1341* Change provisions for preferred provider health insurance contracts.
1351* Designate the Nebraska Crime Control Act of 1994.

LR

16* Memorialize Congress to authorize states to prohibit desecration of the flag.
319* Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.

ERNIE CHAMBERS

LB

381 Change provisions for the insurance program for student athletes at the University of Nebraska.
395* Change provisions relating to employment discrimination based on sexual orientation.
433* Change provisions relating to promotional distribution of tobacco products.
456 Require a stipend to football players at the University of Nebraska at Lincoln.
474 Provide for collegiate license plates.
651* Eliminate the death penalty.
667* Repeal the Free Flow of Information Act.
676 Provide duties for employers of non-English-speaking employees.
677 Change provisions for the Boards of Parole and Pardons, parole applications, and inmate substance abuse therapy.
677A Appropriation Bill.
678 Require appointment of competent counsel in postconviction proceedings.
717* Preserve the powers of the chief of police in metropolitan class cities against certain labor agreement provisions.

820* Require signing of Supreme Court decisions by the justice principally writing the opinion.
927* Prohibit the transportation or possession of assault firearms.
965* Change provisions for the expungement of certain criminal history record information.
1046 Require majority approval by a community college board for employee contracts and appropriations.
1066 Eliminate certain restrictions on investment of public funds in South Africa and change provisions for investments in Northern Ireland.
1264* Change provisions for eligibility for medical assistance.
1293* Change provisions for licenses for sale of tobacco and tobacco products.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.

GEORGE COORDSEN

LB

125* Prohibit interference with a person engaged in hunting, trapping, or fishing.
165 Redefine "commercial motor vehicle" for obtaining a commercial driver's license.
169 Change provisions for the distribution of lists of registered voters.
241* Change provisions relating to recognized veterans organizations.
281 Phase out tuition credit for members of the Nebraska Active Selected Reserve.
290* Establish a fee on gross receipts of certain motor vehicle rental transactions.
342 Change provisions for motor vehicle registration and proof of financial responsibility.
342A Appropriation Bill.
446* Adopt the Negotiated Rulemaking Act and change provisions relating to rules and procedures of state agencies.
447 Require a study on the taxation of certain livestock.
525* Provide methods for the payment of employee wages.
616 Provide for formation of solid waste disposal districts.
718* Prohibit certain provisions for medical benefit contracts and mail-order pharmacies.
744* Require health benefit programs to provide an open enrollment period to pharmacies.
753* Change the unemployment table for employment security.

771	Provide for use of an economic variables test and concentric circle approach for establishing pay rates under the Industrial Relations Act.
820*	Require signing of Supreme Court decisions by the justice principally writing the opinion.
860	Change the time allowed by a limited permit for hunting certain animals.
896*	Provide for competitive bidding on contracts under the Petroleum Release Remedial Action Act.
905*	Authorize a local income tax for school districts and affiliated districts.
914	Authorize a reduction in rent on certain school lands.
946*	Create the Child Protection Study Commission.
953*	Provide for a lifetime habitat stamp.
958*	Provide for a lifetime trout stamp.
959*	Exempt personal property other than certain motor vehicles from property tax.
960*	Exempt farm products from property taxation.
961*	Exempt livestock from personal property tax, change provisions relating to ethanol, and change distribution of cigarette tax proceeds.
962*	Provide an exemption from a permit requirement for water wells.
963*	Provide for certain transfers of ground water.
984*	Provide an excise tax on corn and grain sorghum to pay for certain ethanol credits.
985*	Change provisions for priorities in allocation of the Environmental Trust Fund.
1034*	Provide funds for scrap tire reduction and recycling.
1050*	Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.
1067*	Provide for bank ownership of cash value life insurance contracts.
1081*	Provide for issuance of special license plates to veterans of World War II.
1087*	Exempt labor and installation services from sale and use tax.
1095*	Redefine "farm trucks" for purposes of motor vehicle registration.
1100*	Change provisions for review of administrative rules and regulations by the Attorney General.
1101*	Change conditions disqualifying an individual from employment security benefits.
1102	Change provisions for proof of financial responsibility relating to motor vehicles.
1104	Change provisions for forms for motor vehicle certificates of title.

1108* Provide duties for employers, proprietors, and persons in charge of public meetings relating to smoking.
1159* Provide for a personal property tax exemption for investments in certain business property.
1163 Change provisions for calculating enrollment for schools participating in cooperative program plans.
1185* Provide annual payments to the owner or condemnee for land surrounding transmission lines.
1186* Provide for acquisition of additional property by power districts when certain transmission lines are proposed.
1187* Provide for notice and hearing by power districts when certain transmission lines are proposed.
1213* Change provisions relating to compulsive gambling disorders.
1222*** Adopt health insurance acts and change other insurance provisions.
1240 Provide for review of rates by the Nebraska Power Review Board.
1241 Exempt from registration a transaction in which a United States Series EE Savings Bond is given as a bonus.
1242 Authorize payment of real estate and personal property taxes in installments.
1341* Change provisions for preferred provider health insurance contracts.
1351* Designate the Nebraska Crime Control Act of 1994.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
16* Memorialize Congress to authorize states to prohibit desecration of the flag.
79 Approve gift of real estate to the Game and Parks Commission.
285CA* Constitutional amendment to prohibit school districts and educational service units from levying a property tax.
319* Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.

LAVON CROSBY

LB

77* Change provisions regulating consumption of alcohol on public property.
80* Lower the prohibited concentration of alcohol for DWI conviction.
147* Adopt the Commercial Dog and Cat Operator Inspection Act.
173* Authorize school crossing zones.
223 Require insurance coverage of certain infertility procedures and treatment.

241*	Change provisions relating to recognized veterans organizations.
242*	Establish a standard to define sexual harassment.
245*	Change provisions relating to hunting permits.
249*	Adopt the State Government Effectiveness Act.
260	Provide for responsibility for certain medical services for persons in police custody.
314*	Change the percentage amount of certain state boards of examiners fees credited to the General Fund.
366	Authorize members of school retirement system to elect to purchase years of service as a nonmember.
401	Authorize alternative means to access public records.
460*	Change provisions of the deferred compensation plan for state employees.
490*	Provide for evidence of child abuse to be considered in child custody proceedings.
522*	Adopt the Licensed Practical Nurse-Certified Act.
607*	Authorize voluntary contributions to the retirement plan for firefighters in first class cities.
637*	Change provisions and fees for campaign statements and to register as a lobbyist.
693	Change provisions for HIV testing for persons convicted of sexual assault.
749*	Authorize the suspension of driving privileges for certain juveniles.
762*	Create state district attorney offices.
786*	Change provisions for levying of taxes by the school board or board of education.
871*	Authorize an increase in the sales and use tax in primary class cities for street repair.
903*	Increase the salary and number of judges and change judicial nominating commissions.
903A	Appropriation Bill.
907*	Provide for the offense of false reporting to governmental departments or agencies.
908*	Change provisions and penalties for child abuse.
924*	Change the amount of household income and actual value of a homestead for a homestead exemption.
927*	Prohibit the transportation or possession of assault firearms.
935*	Eliminate provisions relating to the presence and extermination of prairie dogs.
936*	Change the offense of issuing a bad check.
944*	Prohibit contributions to members of and candidates for the Legislature and executive branch officials during certain periods.
1012*	Require firearms to be stored safely and provide penalties.
1034*	Provide funds for scrap tire reduction and recycling.

1054*	Provide penalties for speeding and passing in a school-crossing zone.
1055*	Change provisions for the requirements for health education in public schools.
1069	Provide for cash sales only of lottery tickets.
1087*	Exempt labor and installation services from sale and use tax.
1112	Change an administrative fee under the Local Option Revenue Act.
1151*	Dedicate a portion of the cigarette tax to provide for teacher salaries.
1152*	Change certain procedures and remedies for employment discrimination claims.
1159*	Provide for a personal property tax exemption for investments in certain business property.
1181*	Require the creation of a library media consultant by the Department of Education.
1246*	Provide for a credit against income tax for companies that contribute to a firearm buy-back program.
1268	Change provisions for attending preretirement planning seminars.
1269	Change provisions relating to tiered cost per student under the Tax Equity and Educational Opportunities Support Act.
1293*	Change provisions for licenses for sale of tobacco and tobacco products.
1319*	Authorize involuntary commitment for treatment for sexually violent predators.
1351*	Designate the Nebraska Crime Control Act of 1994.

LR

8CA*	Authorize Legislators to participate in employee benefit programs available to other state officials.
16*	Memorialize Congress to authorize states to prohibit desecration of the flag.
26CA	Constitutional amendment to eliminate the offices of Auditor of Public Accounts and the State Treasurer.
280CA*	Constitutional amendment to require legislative approval of gubernatorial appointments to vacated elected state offices.
295CA*	Constitutional amendment to require legislative approval of gubernatorial appointments to vacated executive state offices.
319*	Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.

JIM D. CUDABACK

LB	
125*	Prohibit interference with a person engaged in hunting, trapping, or fishing.
213*	Adopt the County Initiative and Referendum Act.
232*	Provide procedures for drawing legislative and congressional district boundaries.
241*	Change provisions relating to recognized veterans organizations.
338*	Adopt the Electrolysis Practice Act.
338A	Appropriation Bill.
385	Change provisions for revocation and suspension of hunting and fishing licenses.
407	Change provisions relating to fire protection districts.
408	Change provisions for permits and bans on open burning.
496*	Change provisions relating to the practice of pharmacy.
722*	Adopt the Municipal Proprietary Function Act and the Municipal Miscellaneous Expenditure Act.
749*	Authorize the suspension of driving privileges for certain juveniles.
762*	Create state district attorney offices.
905*	Authorize a local income tax for school districts and affiliated districts.
946*	Create the Child Protection Study Commission.
959*	Exempt personal property other than certain motor vehicles from property tax.
960*	Exempt farm products from property taxation.
961*	Exempt livestock from personal property tax, change provisions relating to ethanol, and change distribution of cigarette tax proceeds.
988***	Change provisions in the juvenile justice system.
989*	Allow school districts participating in the Early Childhood Education Pilot Project to receive state aid.
1023*	Provide for the offense of permitting a juvenile to possess a revolver.
1034*	Provide funds for scrap tire reduction and recycling.
1080*	Change the auditing requirements of fire protection districts.
1081*	Provide for issuance of special license plates to veterans of World War II.
1087*	Exempt labor and installation services from sale and use tax.
1095*	Redefine "farm trucks" for purposes of motor vehicle registration.
1099*	Eliminate a requirement for a special fuel user permit for diesel fuel users.
1100*	Change provisions for review of administrative rules and regulations by the Attorney General.
1113	Redefine "public funds" under the Nebraska Budget Act.

1114 Change provisions relating to suburban development, city planning, and zoning for cities and villages.
1118* Allow local hospital districts to deposit excess funds.
1127 Establish a procedure for the Tax Commissioner to certify city and village populations.
1188* Redefine "qualifying business" under the Local Option Municipal Economic Development Act.
1189* Change eminent domain procedures relating to railroads.
1190* Provide for a fee on commercial fertilizers.
1213* Change provisions relating to compulsive gambling disorders.
1218* Require notice of motor vehicle liability policy terminations, cancellations, and nonrenewals.
1277* Provide that certain districts and companies hold water appropriations for the benefit of electors and shareholders.
1351* Designate the Nebraska Crime Control Act of 1994.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
16* Memorialize Congress to authorize states to prohibit desecration of the flag.
319* Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.

CONNIE J. DAY

LB

438* Change the name of the Department of Public Institutions.
496* Change provisions relating to the practice of pharmacy.
501* Change provisions for contracts between counties and sanitary and improvement districts.
560* Require aerial applicators to have liability insurance.
589* Provide judges cannot hear cases of persons under age of nineteen without a parent or guardian being present.
596* Prohibit the operation of motorboats during certain months.
600* Change the mode of inflicting the death penalty to lethal injection.
601* Prohibit former senators and legislative staff from engaging in lobbyist activities.
647* Provide for programs for learners with high ability.
762* Create state district attorney offices.
900 Require certain public health clinics to have drug dispensing permits.
900A Appropriation Bill.
904* Change provisions for criteria regarding change in scope of practice under the Nebraska Regulation of Health Professions Act.
908* Change provisions and penalties for child abuse.

921	Allow for a wrongful death action upon the death of a viable fetus.
927*	Prohibit the transportation or possession of assault firearms.
946*	Create the Child Protection Study Commission.
988***	Change provisions in the juvenile justice system.
1016*	Provide for emergency box drugs in certain care institutions.
1028	Eliminate the restriction on certified nurse midwives attending home deliveries.
1050*	Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.
1087*	Exempt labor and installation services from sale and use tax.
1149*	Provide for the licensure of dietitians.
1151*	Dedicate a portion of the cigarette tax to provide for teacher salaries.
1155*	Define "specialized mobile equipment" and change provisions relating to vehicle weight.
1156*	Provide fees for vehicles over one hundred twenty thousand pounds.
1157*	Change provisions relating to dummy axles.
1158*	Change provisions relating to vehicle weight and dummy axles.
1200*	Provide for licensing of advanced registered nurse practitioners.
1207*	Change provisions for solid waste management, motor vehicle registration fees, leasing sales tax, sales tax exemptions, and the Environmental Trust Fund.
1213*	Change provisions relating to compulsive gambling disorders.
1222***	Adopt health insurance acts and change other insurance provisions.
1223***	Change health care licensing, disciplining, financial assistance, and other assistance.
1225*	Create crimes involving obstruction of passage to or from and prohibited activities near health care facilities.
1245*	Change provisions for the firefighters' retirement systems in first class cities.
1264*	Change provisions for eligibility for medical assistance.
1266*	Recognize the Nebraska School Activities Association as an unincorporated association.
1287*	Increase the contribution rates for the State Patrol retirement system.
1314*	Prohibit participation by students in certain activities in non-accredited schools.

1316* Provide cigarette tax increase and provide for use of proceeds for ground water quality, conservation easements, and plantings.
1319* Authorize involuntary commitment for treatment for sexually violent predators.
1326* Change provisions for evaluation of persons committed to the Department of Correctional Services.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1351* Designate the Nebraska Crime Control Act of 1994.
1359* Require computer access to legislative documents.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.

MERTON L. DIERKS

LB

72*** Eliminate provisions for acceptance or acquisition of radioactive waste by the state.
125* Prohibit interference with a person engaged in hunting, trapping, or fishing.
147* Adopt the Commercial Dog and Cat Operator Inspection Act.
148* Change provisions for radioactive waste disposal sites.
149* Restrict the issuance and provide for revocation of a license under the Low Level Radioactive Waste Disposal Act.
150* Authorize the State Treasurer to deposit funds in certain lending institutions for small business loans.
153* Require a permit for certain width livestock forage vehicles.
156* Prohibit the use of public facilities and funds for abortions.
238* Change safety requirements for towing cabin trailers and boats.
438* Change the name of the Department of Public Institutions.
496* Change provisions relating to the practice of pharmacy.
596* Prohibit the operation of motorboats during certain months.
797* Authorize a long-term care security demonstration program.
879 Exempt sales of feed, veterinary medicines, and agricultural chemicals used in caring for certain animal life from sales tax.
880 Redefine "retail sale" relating to veterinary medicines and chemicals for sales tax purposes.
881 Change provisions for nonresident fees for state colleges.
882 Change the method of selecting fence viewers.

904*	Change provisions for criteria regarding change in scope of practice under the Nebraska Regulation of Health Professions Act.
908*	Change provisions and penalties for child abuse.
911*	Provide for special master proceedings by the Commission of Industrial Relations.
913*	Redefine "educational service agency" for purposes of disqualification for employment security benefits.
946*	Create the Child Protection Study Commission.
959*	Exempt personal property other than certain motor vehicles from property tax.
960*	Exempt farm products from property taxation.
961*	Exempt livestock from personal property tax, change provisions relating to ethanol, and change distribution of cigarette tax proceeds.
972*	Allow access to recording statements by real estate appraisers.
1001*	Change provisions for payments to certain counties containing land held by the United States for the benefit of Indians.
1001A	Appropriation Bill.
1034*	Provide funds for scrap tire reduction and recycling.
1071A	Appropriation Bill.
1080*	Change the auditing requirements of fire protection districts.
1087*	Exempt labor and installation services from sale and use tax.
1090	Adopt the Homestead Property Tax Credit Act and the Agricultural Property Tax Credit Act.
1091*	Require notice of cancellation and termination of motor vehicle liability insurance policies.
1100*	Change provisions for review of administrative rules and regulations by the Attorney General.
1188*	Redefine "qualifying business" under the Local Option Municipal Economic Development Act.
1189*	Change eminent domain procedures relating to railroads.
1190*	Provide for a fee on commercial fertilizers.
1204*	Change provisions for an emission fee collected from air pollution sources.
1213*	Change provisions relating to compulsive gambling disorders.
1218*	Require notice of motor vehicle liability policy terminations, cancellations, and nonrenewals.
1223***	Change health care licensing, disciplining, financial assistance, and other assistance.
1230	Define "hermetically sealed container" under the Nebraska Pure Food Act.
1270	Provide for public access and public comment to power districts on certain contracts.

1271 Change provisions for ownership of radioactive material in the disposal site.
1272 Change provisions for compensation for loss of value of property near a low-level radioactive waste facility.
1274 Change provisions regulating specialty pesticides.
1293* Change provisions for licenses for sale of tobacco and tobacco products.
1336* Eliminate provisions for a common levy for Class VI school systems.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1351* Designate the Nebraska Crime Control Act of 1994.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
16* Memorialize Congress to authorize states to prohibit desecration of the flag.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.
285CA* Constitutional amendment to prohibit school districts and educational service units from levying a property tax.
Nebraska football team for accomplishments.
304* Request the President appoint an independent commission to review our nation's nuclear waste programs.
319* Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.

W. OWEN ELMER

LB

64 Authorize the Supreme Court to award costs in cases when a statute or ordinance is found unconstitutional.
65 Provide for entry upon property by representatives of political subdivisions.
79* Change provisions for withdrawal of ground water for industrial purposes.
125* Prohibit interference with a person engaged in hunting, trapping, or fishing.
241* Change provisions relating to recognized veterans organizations.
383 Provide duties for local governing bodies relating to liquor licenses.
512 Adopt the Liquefied Petroleum Gas Act.
600* Change the mode of inflicting the death penalty to lethal injection.
747 Change provisions for labor payment bonds for public building construction projects.
748 Accept real estate for a low level radioactive waste disposal site.

749*	Authorize the suspension of driving privileges for certain juveniles.
753*	Change the unemployment table for employment security.
773*	Change fees for nonresident permits for hunting wild turkeys.
864*	Exempt agricultural floater-spreader implements from weight and load restrictions.
917	Change a penalty for late payment of sales tax on motor vehicles.
946*	Create the Child Protection Study Commission.
956*	Require insurance coverage for scalp hair prostheses.
959*	Exempt personal property other than certain motor vehicles from property tax.
960*	Exempt farm products from property taxation.
961*	Exempt livestock from personal property tax, change provisions relating to ethanol, and change distribution of cigarette tax proceeds.
962*	Provide an exemption from a permit requirement for water wells.
963*	Provide for certain transfers of ground water.
966*	Require mobile home park owners to provide a storm shelter.
982*	Require a certificate of title and vehicle identification number for all vehicles required to be registered.
982A	Appropriation Bill.
1034*	Provide funds for scrap tire reduction and recycling.
1050*	Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.
1058*	Change provisions for cattle owners who operate both inside and outside the brand inspection area.
1087*	Exempt labor and installation services from sale and use tax.
1091*	Require notice of cancellation and termination of motor vehicle liability insurance policies.
1099*	Eliminate a requirement for a special fuel user permit for diesel fuel users.
1100*	Change provisions for review of administrative rules and regulations by the Attorney General.
1108*	Provide duties for employers, proprietors, and persons in charge of public meetings relating to smoking.
1111*	Adopt the Property Tax Reduction Act.
1213*	Change provisions relating to compulsive gambling disorders.
1277*	Provide that certain districts and companies hold water appropriations for the benefit of electors and shareholders.
1292*	Change provisions relating to liquor licenses and importation of alcoholic liquor.

1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1351* Designate the Nebraska Crime Control Act of 1994.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
16* Memorialize Congress to authorize states to prohibit desecration of the flag.
285CA* Constitutional amendment to prohibit school districts and educational service units from levying a property tax.
319* Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.

PAT ENGEL

LB

908* Change provisions and penalties for child abuse.
988*** Change provisions in the juvenile justice system.
1027* Change provisions for sponsorship of fire training school for cities and villages.
1044* Change provisions for a surcharge for the 911 emergency telephone systems.
1050* Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.
1065* Change restrictions on licensure of emergency medical technician-A/D services.
1087* Exempt labor and installation services from sale and use tax.
1105* Change and provide fees for manufacturers hauling manufactured homes.
1118* Allow local hospital districts to deposit excess funds.
1155* Define "specialized mobile equipment" and change provisions relating to vehicle weight.
1156* Provide fees for vehicles over one hundred twenty thousand pounds.
1157* Change provisions relating to dummy axles.
1158* Change provisions relating to vehicle weight and dummy axles.
1213* Change provisions relating to compulsive gambling disorders.
1216 Appropriate funds to the Board of Trustees of the Nebraska State Colleges.
1287* Increase the contribution rates for the State Patrol retirement system.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.

DAN FISHER

LB	
241*	Change provisions relating to recognized veterans organizations.
354*	Provide for issuance of special license plates to active members of the Nebraska National Guard.
495*	Permit distribution of samples of smokeless tobacco products for promotional purposes.
524*	Adopt the Agricultural Chemical Storage and Containment Act.
533*	Prohibit rent-control regulation.
589*	Provide judges cannot hear cases of persons under age of nineteen without a parent or guardian being present.
600*	Change the mode of inflicting the death penalty to lethal injection.
639	Change retirement benefit provisions for the State Patrol retirement plan.
696*	Limit certain actions by an employer based on an employee's use of a lawful product.
718*	Prohibit certain provisions for medical benefit contracts and mail-order pharmacies.
744*	Require health benefit programs to provide an open enrollment period to pharmacies.
749*	Authorize the suspension of driving privileges for certain juveniles.
895	Eliminate requirements for notarized signatures on certificates of title.
896*	Provide for competitive bidding on contracts under the Petroleum Release Remedial Action Act.
897	Adopt the Nebraska Regional Air Carrier Support Act.
898	Eliminate tolling of statutes of limitations and time for review proceedings for imprisoned persons.
971*	Change and eliminate provisions for the training of law enforcement officers and responsibility for the Nebraska Law Enforcement Training Center.
1023*	Provide for the offense of permitting a juvenile to possess a revolver.
1034*	Provide funds for scrap tire reduction and recycling.
1050*	Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.
1067*	Provide for bank ownership of cash value life insurance contracts.
1087*	Exempt labor and installation services from sale and use tax.
1141	Change the signature requirements for an amendment to a financing statement relating to secured transactions.
1142*	Eliminate a restriction on the appointment of juvenile probation officers.

1155* Define "specialized mobile equipment" and change provisions relating to vehicle weight.
1156* Provide fees for vehicles over one hundred twenty thousand pounds.
1157* Change provisions relating to dummy axles.
1158* Change provisions relating to vehicle weight and dummy axles.
1202* Provide powers and duties relating to cable utility system ownership.
1349* Adopt the Remedial Action Plan Monitoring Act.
1351* Designate the Nebraska Crime Control Act of 1994.
1354* Change provisions relating to the use and distribution of a horseracing fund.
1361 Eliminate provisions relating to the Municipal Natural Gas Regulation Act.

LR

16* Memorialize Congress to authorize states to prohibit desecration of the flag.
21CA* Constitutional amendment to provide that money from taxes and fees imposed on motor vehicles be used for payment of highway obligations.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.
319* Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.

REX HABERMAN

LB

125* Prohibit interference with a person engaged in hunting, trapping, or fishing.
333 Require a covered walkway for certain construction projects near the State Capitol.
359* Change provisions of the State Boat Act.
495* Permit distribution of samples of smokeless tobacco products for promotional purposes.
762* Create state district attorney offices.
797* Authorize a long-term care security demonstration program.
820* Require signing of Supreme Court decisions by the justice principally writing the opinion.
864* Exempt agricultural floater-spreader implements from weight and load restrictions.
865 Prohibit state financing of tax reductions and incentives created by statute.
866 Modify federal adjusted gross income for state income tax purposes.
867 Require insurance companies to make payment to insured vehicle owners under comprehensive insurance policies.

908* Change provisions and penalties for child abuse.
951* Change provisions relating to criminal mischief.
952* Change provisions for the crime of public indecency.
959* Exempt personal property other than certain motor vehicles from property tax.
960* Exempt farm products from property taxation.
961* Exempt livestock from personal property tax, change provisions relating to ethanol, and change distribution of cigarette tax proceeds.
1050* Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.
1080* Change the auditing requirements of fire protection districts.
1100* Change provisions for review of administrative rules and regulations by the Attorney General.
1125 Prohibit lot fees in certain lease agreements with power districts.
1213* Change provisions relating to compulsive gambling disorders.
1231 Provide for the conversion of county hospitals into local hospital districts.
1314* Prohibit participation by students in certain activities in non-accredited schools.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1351* Designate the Nebraska Crime Control Act of 1994.
1354* Change provisions relating to the use and distribution of a horseracing fund.
1355* Change provisions for simulcast and interstate racetrack licenses.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
16* Memorialize Congress to authorize states to prohibit desecration of the flag.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.
319* Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.

TIMOTHY J. HALL

LB

241* Change provisions relating to recognized veterans organizations.
285 Change the weekly payment benefit amount for employment security.
286 Change provisions relating to unemployment benefits.
287 Change provisions relating to the hours for sale of liquor.

343 Provide liability provisions for accountants.
357* Authorize leave for state employees for specialized disaster relief services in Nebraska for the American Red Cross.
394 Require disclosure of manufacturer adjustment programs for motor vehicles.
395* Change provisions relating to employment discrimination based on sexual orientation.
489* Change and eliminate taxation provisions on bingo.
495* Permit distribution of samples of smokeless tobacco products for promotional purposes.
558* Change provisions for furnishing proof of financial responsibility for renewal of motor vehicle registration by telephone.
647* Provide for programs for learners with high ability.
651* Eliminate the death penalty.
653* Provide for an income tax deduction for certain educational expenses.
654 Authorize imposition of a fee on liquor retailers by cities.
667* Repeal the Free Flow of Information Act.
696* Limit certain actions by an employer based on an employee's use of a lawful product.
705 Provide duties for the state investment officer with respect to corporations doing business in Northern Ireland.
706 Change provisions relating to initiative and referendum.
717* Preserve the powers of the chief of police in metropolitan class cities against certain labor agreement provisions.
740* Prohibit issuance of certificates of need for a one-year period for certain projects.
741* Adopt the Mental Health and Substance Abuse Treatment Act.
769* Redefine "community betterment purposes" under the County City and Lottery Act.
797* Authorize a long-term care security demonstration program.
820* Require signing of Supreme Court decisions by the justice principally writing the opinion.
924* Change the amount of household income and actual value of a homestead for a homestead exemption.
930* Change school enrollment option provisions for schools which have desegregation plans.
983* Provide a fiscal analysis of the Employment and Investment Growth Act by the Department of Revenue.
1025* Require fingerprints and a criminal background check for fire department applicants for metropolitan class cities.
1029* Provide additional conditions under which grandparent visitation may be sought.
1034* Provide funds for scrap tire reduction and recycling.

1050*	Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.
1072*	Authorize Omaha to increase the city sales and use tax.
1108*	Provide duties for employers, proprietors, and persons in charge of public meetings relating to smoking.
1121*	Change provisions for reduction of term for driver's license revocation.
1140*	Provide for testimony by telephone and audiovisual means in certain civil proceedings.
1149*	Provide for the licensure of dietitians.
1155*	Define "specialized mobile equipment" and change provisions relating to vehicle weight.
1156*	Provide fees for vehicles over one hundred twenty thousand pounds.
1157*	Change provisions relating to dummy axles.
1158*	Change provisions relating to vehicle weight and dummy axles.
1212	Redefine "ambulatory surgical facility" and "health care facility" relating to the Nebraska Health Care Certificate of Need Act.
1213*	Change provisions relating to compulsive gambling disorders.
1222***	Adopt health insurance acts and change other insurance provisions.
1243	Authorize Legislators to install communication equipment at their own expense and provide computer access to legislative information.
1243A	Appropriation Bill.
1244	Provide for annotations of Court of Appeals decisions.
1260*	Adopt the Cable Television Act.
1278	Adopt the Excursion Gambling Boat Act.
1279	Redefine "employer" to include newspaper carriers relating to workers' compensation.
1280	Eliminate a property tax exemption for certain not-for-profit hospitals.
1281	Eliminate tax exemptions for hospitals, nursing facilities, and certain nonprofit organizations.
1282	Authorize the issuance of an employment driving permit during a period of administrative revocation.
1283	Provide funding for small ethanol facility construction.
1284	Provide a limit on the ethanol tax credits available.
1309*	Increase the amount of attorney's fees in a contested election for the Legislature.
1324	Authorize use of electronic and video gaming devices.
1325	Eliminate the Nebraska Health Care Certificate of Need Act.
1337*	Provide for assessment, calculation, and collection of a state unemployment insurance tax.

1342* Prohibit criminal intimidation and provide a penalty.
1357* Change provisions relating to indeterminate sentences.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
302CA Constitutional amendment to authorize the Legislature to authorize and regulate gaming.

D. PAUL HARTNETT

LB

102* Change provisions relating to membership on the State Racing Commission.
125* Prohibit interference with a person engaged in hunting, trapping, or fishing.
173* Authorize school crossing zones.
248* Adopt the Contractor Registration Act.
339 Authorize limiting an insured's choice of a pharmacy.
496* Change provisions relating to the practice of pharmacy.
496A Appropriation Bill.
531* Provide for communication agreements with birth parents relating to adoption.
551* Provide power to establish and fund a scholarship program for underprivileged youth in certain counties.
553 Authorize variances from regulations for water wells.
558* Change provisions for furnishing proof of financial responsibility for renewal of motor vehicle registration by telephone.
630* Provide duties and limitations for municipalities annexing territory and change provisions for annexation of sanitary and improvement districts.
679* Transfer the Fire Service and Safety Training Program to the State Fire Marshal.
727 Change provisions for recording of plats, subdivisions, and conveyances by the register of deeds.
728 Change provisions relating to pickle cards.
729 Require an analysis of county costs and operations for distribution of tax burden.
730 Redefine "lottery" and "raffle" under the Lottery and Raffle Act.
731 Change provisions for handicapped or disabled parking permits.
733 Authorize issuance of bonds by cities for economic development.
762* Create state district attorney offices.
791* Eliminate the Thoroughbred Racing Assistance Fund.
820* Require signing of Supreme Court decisions by the justice principally writing the opinion.

913* Redefine "educational service agency" for purposes of disqualification for employment security benefits.
932* Provide a limit on certain fees charged by public libraries.
945* Change the sales factor used for unitary businesses for income tax purposes.
979* Change provisions relating to banking and finance.
996* Change provisions for the number of judges of the separate juvenile court to be appointed.
1010* Change provisions for the nomination of county court judges by judicial nominating commissions.
1027* Change provisions for sponsorship of fire training school for cities and villages.
1034* Provide funds for scrap tire reduction and recycling.
1044* Change provisions for a surcharge for the 911 emergency telephone systems.
1050* Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.
1052* Increase the number of judges in the second district court judicial district.
1072* Authorize Omaha to increase the city sales and use tax.
1080* Change the auditing requirements of fire protection districts.
1082 Exempt purchases by nonprofit corporations serving the elderly from sales and use tax.
1087* Exempt labor and installation services from sale and use tax.
1095* Redefine "farm trucks" for purposes of motor vehicle registration.
1108* Provide duties for employers, proprietors, and persons in charge of public meetings relating to smoking.
1123* Adopt the Comprehensive Rehabilitation and Assistive Technology Act.
1128 Provide duties for the Nebraska Power Review Board relating to renewable energy, job creation, utility planning, and energy conservation.
1139* Adopt the County Industrial Sewer Construction Act.
1142* Eliminate a restriction on the appointment of juvenile probation officers.
1151* Dedicate a portion of the cigarette tax to provide for teacher salaries.
1174* Require the Tax Commissioner to examine the accuracy of reported taxes under the Local Option Revenue Act when examining sales and use tax records.
1175* Provide duties for the Tax Commissioner and change provisions relating to city sales tax elections.
1232 Change provisions for student immunization against contagious diseases.
1233 Adopt the Property Tax Equalization Commission Act.

1254 Exempt certain motor vehicles from park entry permit requirement.
1256* Authorize the state to pay tuition for children of nonmilitary federal employees.
1276 Provide pricing requirements for drug manufacturers and sellers.
1292* Change provisions relating to liquor licenses and importation of alcoholic liquor.
1309* Increase the amount of attorney's fees in a contested election for the Legislature.
1316* Provide cigarette tax increase and provide for use of proceeds for ground water quality, conservation easements, and plantings.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1351* Designate the Nebraska Crime Control Act of 1994.
1354* Change provisions relating to the use and distribution of a horseracing fund.
1358* Provide a declaration of public policy relating to renewable energy sources.
1359* Require computer access to legislative documents.
1360* Establish the Renewable Energy Commission.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
276CA* Constitutional amendment to eliminate the State Board of Equalization and Assessment.
319* Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.

JOYCE HILLMAN

LB

125* Prohibit interference with a person engaged in hunting, trapping, or fishing.
137* Change provisions for commencement and limitation of product liability actions.
147* Adopt the Commercial Dog and Cat Operator Inspection Act.
173* Authorize school crossing zones.
186* Change provisions for year-round operation of public schools.
196* Provide for a medical hardship permit to operate a motor vehicle.
211* Create the Health Advisory Board and change identification requirements for issuance of drivers' licenses.
211A Appropriation Bill.
212 Provide for a system of personnel administration in certain counties.

238* Change safety requirements for towing cabin trailers and boats.
241* Change provisions relating to recognized veterans organizations.
242* Establish a standard to define sexual harassment.
338* Adopt the Electrolysis Practice Act.
531* Provide for communication agreements with birth parents relating to adoption.
600* Change the mode of inflicting the death penalty to lethal injection.
637* Change provisions and fees for campaign statements and to register as a lobbyist.
640* Provide harassment is an unlawful employment practice.
679* Transfer the Fire Service and Safety Training Program to the State Fire Marshal.
762* Create state district attorney offices.
820* Require signing of Supreme Court decisions by the justice principally writing the opinion.
908* Change provisions and penalties for child abuse.
928* Provide for the crimes of deadly assault in the first and second degrees and motor vehicle deadly assault.
946* Create the Child Protection Study Commission.
958* Provide for a lifetime trout stamp.
988*** Change provisions in the juvenile justice system.
989* Allow school districts participating in the Early Childhood Education Pilot Project to receive state aid.
1034* Provide funds for scrap tire reduction and recycling.
1044* Change provisions for a surcharge for the 911 emergency telephone systems.
1050* Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.
1054* Provide penalties for speeding and passing in a school-crossing zone.
1087* Exempt labor and installation services from sale and use tax.
1105* Change and provide fees for manufacturers hauling manufactured homes.
1121* Change provisions for reduction of term for driver's license revocation.
1140* Provide for testimony by telephone and audiovisual means in certain civil proceedings.
1155* Define "specialized mobile equipment" and change provisions relating to vehicle weight.
1156* Provide fees for vehicles over one hundred twenty thousand pounds.
1157* Change provisions relating to dummy axles.
1158* Change provisions relating to vehicle weight and dummy axles.

1213* Change provisions relating to compulsive gambling disorders.
1225* Create crimes involving obstruction of passage to or from and prohibited activities near health care facilities.
1253* Change provisions relating to community colleges.
1257* Change provisions of the Nebraska Budget Act relating to certain cash limitations and the definition of public funds.
1258* Authorize issuing of passes for certain individuals to school activities.
1259* Provide an increase in the surcharge for 911 emergency telephone systems.
1263* Adopt the Nebraska Trauma Systems Development Act.
1277* Provide that certain districts and companies hold water appropriations for the benefit of electors and shareholders.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1359* Require computer access to legislative documents.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.

THOMAS R. HORGAN

(Carryover bills by former senator that were not cosponsored or considered during 1994 session)

LB

459 Change provisions for investment of retirement funds and adjustments to employer accounts.
698 Provide penalties for driving under the influence when a minor is in the vehicle.
699 Change provisions of the county and state employees' retirement plans.

LR

14CA Constitutional amendment to create the Nebraska Redistricting Commission.

CAROL L. HUDKINS

LB

80* Lower the prohibited concentration of alcohol for DWI conviction.
241* Change provisions relating to recognized veterans organizations.
353* Change penalties for motor vehicle homicide.
596* Prohibit the operation of motorboats during certain months.
600* Change the mode of inflicting the death penalty to lethal injection.
619* Impose a surcharge on certain defendants.
647* Provide for programs for learners with high ability.

749* Authorize the suspension of driving privileges for certain juveniles.
903* Increase the salary and number of judges and change judicial nominating commissions.
906* Change provisions relating to jury, witness, and informant tampering in civil and criminal actions.
907* Provide for the offense of false reporting to governmental departments or agencies.
908* Change provisions and penalties for child abuse.
936* Change the offense of issuing a bad check.
939* Exempt purchases by public museums from sales and use tax.
951* Change provisions relating to criminal mischief.
952* Change provisions for the crime of public indecency.
960* Exempt farm products from property taxation.
961* Exempt livestock from personal property tax, change provisions relating to ethanol, and change distribution of cigarette tax proceeds.
962* Provide an exemption from a permit requirement for water wells.
963* Provide for certain transfers of ground water.
988*** Change provisions in the juvenile justice system.
1034* Provide funds for scrap tire reduction and recycling.
1050* Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.
1055* Change provisions for the requirements for health education in public schools.
1080* Change the auditing requirements of fire protection districts.
1081* Provide for issuance of special license plates to veterans of World War II.
1087* Exempt labor and installation services from sale and use tax.
1096 Change provisions for certified copies of official records and fees for providing copies in civil proceedings.
1100* Change provisions for review of administrative rules and regulations by the Attorney General.
1142* Eliminate a restriction on the appointment of juvenile probation officers.
1159* Provide for a personal property tax exemption for investments in certain business property.
1213* Change provisions relating to compulsive gambling disorders.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1351* Designate the Nebraska Crime Control Act of 1994.
1359* Require computer access to legislative documents.

LR

8CA*	Authorize Legislators to participate in employee benefit programs available to other state officials.
16*	Memorialize Congress to authorize states to prohibit desecration of the flag.
29CA*	Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.
280CA*	Constitutional amendment to require legislative approval of gubernatorial appointments to vacated elected state offices.
319*	Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.

RAMON "RAY" JANSSEN

LB

596*	Prohibit the operation of motorboats during certain months.
600*	Change the mode of inflicting the death penalty to lethal injection.
601*	Prohibit former senators and legislative staff from engaging in lobbyist activities.
679*	Transfer the Fire Service and Safety Training Program to the State Fire Marshal.
908*	Change provisions and penalties for child abuse.
939*	Exempt purchases by public museums from sales and use tax.
940*	Limit application of the Nongame and Endangered Species Conservation Act.
946*	Create the Child Protection Study Commission.
958*	Provide for a lifetime trout stamp.
961*	Exempt livestock from personal property tax, change provisions relating to ethanol, and change distribution of cigarette tax proceeds.
966*	Require mobile home park owners to provide a storm shelter.
988***	Change provisions in the juvenile justice system.
995*	Provide for building levies for affiliated school systems.
1002*	Adopt the Water Service Regulation Act.
1027*	Change provisions for sponsorship of fire training school for cities and villages.
1034*	Provide funds for scrap tire reduction and recycling.
1065*	Change restrictions on licensure of emergency medical technician-A/D services.
1080*	Change the auditing requirements of fire protection districts.
1087*	Exempt labor and installation services from sale and use tax.

1142* Eliminate a restriction on the appointment of juvenile probation officers.
1204* Change provisions for an emission fee collected from air pollution sources.
1213* Change provisions relating to compulsive gambling disorders.
1217* Change provisions for calculating state aid for reorganized school districts under the Tax Equity and Educational Opportunities Support Act.
1218* Require notice of motor vehicle liability policy terminations, cancellations, and nonrenewals.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1351* Designate the Nebraska Crime Control Act of 1994.
1358* Provide a declaration of public policy relating to renewable energy sources.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
16* Memorialize Congress to authorize states to prohibit desecration of the flag.
319* Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.

JIM JONES

LB

80* Lower the prohibited concentration of alcohol for DWI conviction.
125* Prohibit interference with a person engaged in hunting, trapping, or fishing.
153* Require a permit for certain width livestock forage vehicles.
156* Prohibit the use of public facilities and funds for abortions.
185* Define "ex parte communication" relating to administrative procedure.
233* Change provisions for selection of presidential electors.
241* Change provisions relating to recognized veterans organizations.
524* Adopt the Agricultural Chemical Storage and Containment Act.
600* Change the mode of inflicting the death penalty to lethal injection.
601* Prohibit former senators and legislative staff from engaging in lobbyist activities.
770* Change provisions for permits to raise wild animals.
773* Change fees for nonresident permits for hunting wild turkeys.

905* Authorize a local income tax for school districts and affiliated districts.
906* Change provisions relating to jury, witness, and informant tampering in civil and criminal actions.
907* Provide for the offense of false reporting to governmental departments or agencies.
908* Change provisions and penalties for child abuse.
923* Provide for the sale of certain school lands and for reinvestment of such proceeds.
940* Limit application of the Nongame and Endangered Species Conservation Act.
946* Create the Child Protection Study Commission.
951* Change provisions relating to criminal mischief.
952* Change provisions for the crime of public indecency.
958* Provide for a lifetime trout stamp.
959* Exempt personal property other than certain motor vehicles from property tax.
960* Exempt farm products from property taxation.
961* Exempt livestock from personal property tax, change provisions relating to ethanol, and change distribution of cigarette tax proceeds.
972* Allow access to recording statements by real estate appraisers.
1023* Provide for the offense of permitting a juvenile to possess a revolver.
1034* Provide funds for scrap tire reduction and recycling.
1050* Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.
1058* Change provisions for cattle owners who operate both inside and outside the brand inspection area.
1065* Change restrictions on licensure of emergency medical technician-A/D services.
1080* Change the auditing requirements of fire protection districts.
1087* Exempt labor and installation services from sale and use tax.
1095* Redefine "farm trucks" for purposes of motor vehicle registration.
1099* Eliminate a requirement for a special fuel user permit for diesel fuel users.
1100* Change provisions for review of administrative rules and regulations by the Attorney General.
1118* Allow local hospital districts to deposit excess funds.
1122* Provide the Department of Environmental Quality make available a rate schedule for equipment and services used for remedial action.
1144* Change provisions for the motor fuel tax rates.

1159*	Provide for a personal property tax exemption for investments in certain business property.
1188*	Redefine "qualifying business" under the Local Option Municipal Economic Development Act.
1189*	Change eminent domain procedures relating to railroads.
1190*	Provide for a fee on commercial fertilizers.
1213*	Change provisions relating to compulsive gambling disorders.
1218*	Require notice of motor vehicle liability policy terminations, cancellations, and nonrenewals.
1226	Provide for the establishment of a toll-free child abuse and neglect hotline.
1227	Provide powers of the county board of equalization relating to levies.
1228	Require the sale of educational lands and provide for disposition of the proceeds.
1277*	Provide that certain districts and companies hold water appropriations for the benefit of electors and shareholders.
1335	Authorize the composting of swine carcasses.
1336*	Eliminate provisions for a common levy for Class VI school systems.
1337*	Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1351*	Designate the Nebraska Crime Control Act of 1994.

LR

16*	Memorialize Congress to authorize states to prohibit desecration of the flag.
29CA*	Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.
285CA*	Constitutional amendment to prohibit school districts and educational service units from levying a property tax. Nebraska football team for accomplishments.
319*	Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.

DOUGLAS A. KRISTENSEN

LB

32	Change provisions relating to wages and other money committed to the Department of Correctional Services.
160	Change provisions for review and modification of child support orders.
233*	Change provisions for selection of presidential electors.
254*	Provide for arrest of an offender in any other jurisdiction in this state by a law enforcement officer.
404	Adopt the Fine Art Consignment Act.
411A	Appropriation Bill.
473	Create the Class W felony for driving while under the influence of alcohol.

503	Change provisions for employment of persons committed to the Department of Correctional Services.
509*	Provide salary increases for the Supreme Court judges.
531*	Provide for communication agreements with birth parents relating to adoption.
687	Authorize employment of a Counsel to the Legislature.
762*	Create state district attorney offices.
884	Change provisions relating to limited liability companies.
885*	Adopt the Tax Equalization and Review Commission Act.
885A	Appropriate funds to the Department of Motor Vehicles.
886	Change provisions relating to vital statistics.
886A	Appropriation Bill.
887	Limit recovery for claims under the State Tort Claims Act.
888	Prohibit jury trials under the Uniform Residential Landlord and Tenant Act.
889	Change provisions relating to reimbursements for persons committed to the Department of Correctional Services.
890	Eliminate provisions providing double or triple penalties and damages and provisions relating to punitive damages.
891	Allow the juvenile court to order family counseling if a family is found in need of assistance.
892	Change a notice requirement for name changes.
893	Change provisions for the judges' retirement system.
894	Establish the Nebraska Constitutional Revision Commission.
901	Change provisions relating to sales and use tax exemptions and the definition of retail sale.
931*	Change a sales and use tax exemption for medicine and medical equipment.
945*	Change the sales factor used for unitary businesses for income tax purposes.
974	Change provisions for security interest in farm products and amendments to a financing statement.
974A	Appropriation Bill.
1042	Adopt the Business Corporation Act.
1057*	Change provisions for the limit on importation of liquor.
1061A	Appropriation Bill.
1085	Change provisions of the Nebraska Liquor Control Act.
1111*	Adopt the Property Tax Reduction Act.
1152*	Change certain procedures and remedies for employment discrimination claims.
1168	Authorize construction of a medium-minimum security adult correctional facility.
1298*	Change provisions for personal property remaining on premises after vacation of premises by a tenant.

LR

4CA	Constitutional amendment to establish requirements for eligibility to serve as Attorney General.
8CA*	Authorize Legislators to participate in employee benefit programs available to other state officials.
15CA	Constitutional amendment to change provisions for final passage of legislation.
276CA*	Constitutional amendment to eliminate the State Board of Equalization and Assessment.
277CA	Constitutional amendment to provide powers and duties for the Tax Equalization and Review Commission.
278CA	Constitutional amendment requiring the Supreme Court to give written opinion on revenue questions requested by the Legislature and Governor.
279	Resolution to propose the calling of a Constitutional Convention.
282	Memorialize Congress to add a new article to the Constitution providing a balanced budget requirement.

DAVID M. LANDIS

LB

202	Adopt the Uniform Premarital Agreement Act.
219	Exempt loans secured by real estate from the limitation on the rate of interest.
241*	Change provisions relating to recognized veterans organizations.
249*	Adopt the State Government Effectiveness Act.
249A	Appropriation Bill.
446*	Adopt the Negotiated Rulemaking Act and change provisions relating to rules and procedures of state agencies.
605	Establish penalties for public power officials for not publishing certain salaries.
612	Change provisions for evidence by the Commission of Industrial Relations.
640*	Provide harassment is an unlawful employment practice.
671	Provide for the use of ignition interlock devices.
759	Change provisions for recording requirements for bonds.
820*	Require signing of Supreme Court decisions by the justice principally writing the opinion.
837***	Change provisions relating to disciplinary actions under the Uniform Licensing Law.
868	Change provisions relating to confidentiality in matters referred to mediation.
869*	Change provisions relating to telecommunications companies and the method of rate regulations.
870*	Change provisions relating to telecommunications.
871*	Authorize an increase in the sales and use tax in primary class cities for street repair.

902* Change provisions relating to land valuation and the homestead exemption.

915* Change provisions relating to public power district compensation and satellite television sales.

924* Change the amount of household income and actual value of a homestead for a homestead exemption.

942 Change provisions relating to securities exempt from registration.

957 Change provisions relating to accountants.

966* Require mobile home park owners to provide a storm shelter.

967 Adopt the Delayed Deposit Services Licensing Act.

978 Adopt the Disclosure of Material Insurance Transactions Act and change insurance provisions.

979* Change provisions relating to banking and finance.

980 Change a provision for preservation of records by optical disk.

992 Prohibit fees for electronic fund transfers completed at automatic teller machines.

1009 Provide for the imposition of legal fees and costs for accountants.

1020 Change the rate of interest on certain delinquent taxes and assessments and bonds.

1043 Adopt the Negotiated Rulemaking Act.

1074* Change provisions for motor vehicle insurance and registration and insurance fraud.

1074A Appropriation Bill.

1098* Adopt the Interstate Insurance Protection Compact.

1166 Adopt the Student Freedom of Expression Act.

1167* Provide for additional licenses for brewpubs.

1213* Change provisions relating to compulsive gambling disorders.

1222*** Adopt health insurance acts and change other insurance provisions.

1223*** Change health care licensing, disciplining, financial assistance, and other assistance.

1292* Change provisions relating to liquor licenses and importation of alcoholic liquor.

1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.

LR

2CA* Constitutional amendment to authorize the Legislature to provide for enforcement of mediation and other forms of dispute resolution.

JOHN C. LINDSAY

LB	
137*	Change provisions for commencement and limitation of product liability actions.
156*	Prohibit the use of public facilities and funds for abortions.
188	Change provisions for the subdivision of real property, deeds of conveyances, and acquisitions by cities and villages.
221*	Change allocations of funds for roads in counties.
262*	Change provisions for when a civil suit is permitted.
276*	Change provisions for deposit of inmate wages in the Victim's Compensation Fund.
277*	Change provisions relating to parole administration.
461	Change provisions relating to the Jail Standards Board.
463	Change provisions relating to exemptions from execution.
464	Adopt the Power of Attorney Act.
467	Provide restrictions on proceedings against sureties.
495*	Permit distribution of samples of smokeless tobacco products for promotional purposes.
497*	Change provisions for appointment, powers, and duties of guardians and conservators.
509*	Provide salary increases for the Supreme Court judges.
551*	Provide power to establish and fund a scholarship program for underprivileged youth in certain counties.
558*	Change provisions for furnishing proof of financial responsibility for renewal of motor vehicle registration by telephone.
594	Change settlement provisions for workers' compensation proceedings.
602*	Authorize retirement at age sixty years for judges.
642*	Require a disclosure statement for certain residential real property sales.
642A	Appropriation Bill.
651*	Eliminate the death penalty.
665*	Provide procedures in actions involving public petition and participation.
707*	State intent relating to battered spouse syndrome and battered person syndrome.
760	Redefine "head of a family" relating to homesteads.
779	Provide requirements for compensation for probation officers.
783**	Change provisions for pardon application, record keeping, and restoration of civil rights.
899	Allow United States Government bonds to be posted and operate as a supersedeas.
903*	Increase the salary and number of judges and change judicial nominating commissions.

906*	Change provisions relating to jury, witness, and informant tampering in civil and criminal actions.
907*	Provide for the offense of false reporting to governmental departments or agencies.
970*	Provide salary increase for constitutional officers.
971*	Change and eliminate provisions for the training of law enforcement officers and responsibility for the Nebraska Law Enforcement Training Center.
971A	Appropriation Bill.
988***	Change provisions in the juvenile justice system.
989*	Allow school districts participating in the Early Childhood Education Pilot Project to receive state aid.
993	Establish the Nebraska Crime Information System.
994	Change provisions for collection of sales tax on leases and rentals of motor vehicles.
1003*	Adopt the Candidate Campaign Committee Income Tax Act.
1026	Authorize the use of the state computer network to track and collect court costs and fees.
1051	Change provisions relating to preparation of forms in garnishment proceedings.
1055*	Change provisions for the requirements for health education in public schools.
1074*	Change provisions for motor vehicle insurance and registration and insurance fraud.
1087*	Exempt labor and installation services from sale and use tax.
1117*	Require a payment and performance bond for contracts to collect child support.
1147	Provide for the treatment of computer data and computer code under the Uniform Commercial Code.
1148	Redefine "child abuse or neglect" to include prenatal exposure to a controlled substance.
1149*	Provide for the licensure of dietitians.
1213*	Change provisions relating to compulsive gambling disorders.
1220*	Allow parents of children involved in criminal activity to face criminal charges.
1222***	Adopt health insurance acts and change other insurance provisions.
1326*	Change provisions for evaluation of persons committed to the Department of Correctional Services.
1326A	Appropriation Bill.
1327	Transfer the Office of Probation Administration from the Supreme Court to the Department of Correctional Services.
1328	Change provisions for powers and duties of the Attorney General relating to community corrections.

1329 Change the penalty for a Class III felony.
1330 Eliminate provisions for regimented inmate discipline unit age restrictions.
1331 Change provisions relating to service of misdemeanor sentences.
1332 Change provisions for the jurisdictional age of individuals under the Nebraska Juvenile Code.
1333 Require the implementation of justice system impact statement.
1334 Change provisions relating to representation of indigent persons.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1343 Provide venue for actions challenging prior convictions.
1344 Change provisions relating to "good time" reductions.
1345* Change provisions for appointment, powers, and duties of guardians and conservators.
1346 Require notification of child support collection contracts.
1347 Provide for direct contact between a custodial party and an attorney contracting to collect child support.
1348 Require a contracting party to petition for contempt in child support collection contracts.
1357* Change provisions relating to indeterminate sentences.
1359* Require computer access to legislative documents.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.

DANIEL C. LYNCH

LB

123* Provide for titling of motorboats.
125* Prohibit interference with a person engaged in hunting, trapping, or fishing.
172 Authorize natural resources districts to adopt flood control improvement corridor maps.
221* Change allocations of funds for roads in counties.
241* Change provisions relating to recognized veterans organizations.
248* Adopt the Contractor Registration Act.
248A Appropriation Bill.
290* Establish a fee on gross receipts of certain motor vehicle rental transactions.
296 Change the membership of the Public Employees Retirement Board.
314* Change the percentage amount of certain state boards of examiners fees credited to the General Fund.
496* Change provisions relating to the practice of pharmacy.

525* Provide methods for the payment of employee wages.
531* Provide for communication agreements with birth parents relating to adoption.
533* Prohibit rent-control regulation.
551* Provide power to establish and fund a scholarship program for underprivileged youth in certain counties.
607* Authorize voluntary contributions to the retirement plan for firefighters in first class cities.
618* Change provisions for sale or service of alcoholic liquor by minors in the course of employment.
619* Impose a surcharge on certain defendants.
637* Change provisions and fees for campaign statements and to register as a lobbyist.
642* Require a disclosure statement for certain residential real property sales.
665* Provide procedures in actions involving public petition and participation.
749* Authorize the suspension of driving privileges for certain juveniles.
762* Create state district attorney offices.
820* Require signing of Supreme Court decisions by the justice principally writing the opinion.
861 Eliminate a condition disqualifying an applicant from employment security benefits.
862 Prohibit the sale of a mortgage loan without the written consent of the borrower.
863 Authorize schools to require criminal history information as a condition of employment.
908* Change provisions and penalties for child abuse.
922* Change salary provisions for full-time veterans service officers of the county.
924* Change the amount of household income and actual value of a homestead for a homestead exemption.
946* Create the Child Protection Study Commission.
1034* Provide funds for scrap tire reduction and recycling.
1041 Eliminate a provision for the display of handicapped parking permits.
1065* Change restrictions on licensure of emergency medical technician-A/D services.
1072* Authorize Omaha to increase the city sales and use tax.
1087* Exempt labor and installation services from sale and use tax.
1093 Provide for a designation of "none of the above" on election ballots.
1109* Require certain employees to pay for collective bargaining.
1123* Adopt the Comprehensive Rehabilitation and Assistive Technology Act.

1136* Create the Advisory Committee on Developmental Disabilities and state intent for appropriations for services.
1145* Provide for the development and use of a state comprehensive capital facilities plan.
1151* Dedicate a portion of the cigarette tax to provide for teacher salaries.
1159* Provide for a personal property tax exemption for investments in certain business property.
1206* Change provisions for calculation of fund distribution from the Educational Excellence Fund.
1208 Transfer funds to the Educational Excellence Fund for teacher salaries.
1213* Change provisions relating to compulsive gambling disorders.
1261* Adopt the Environmental Lead Hazard Control Act.
1287* Increase the contribution rates for the State Patrol retirement system.
1296 Provide for licensure of midwives.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1351* Designate the Nebraska Crime Control Act of 1994.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.

GERALD E. MATZKE

LB

923* Provide for the sale of certain school lands and for reinvestment of such proceeds.
958* Provide for a lifetime trout stamp.
963* Provide for certain transfers of ground water.
966* Require mobile home park owners to provide a storm shelter.
988*** Change provisions in the juvenile justice system.
1031 Provide the Environmental Quality Council establish a fee schedule in adopting regulations for hazardous waste management.
1050* Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.
1087* Exempt labor and installation services from sale and use tax.
1091* Require notice of cancellation and termination of motor vehicle liability insurance policies.
1129 Create the offense of hazing.
1140* Provide for testimony by telephone and audiovisual means in certain civil proceedings.
1213* Change provisions relating to compulsive gambling disorders.

1223*** Change health care licensing, disciplining, financial assistance, and other assistance.
1257* Change provisions of the Nebraska Budget Act relating to certain cash limitations and the definition of public funds.
1277* Provide that certain districts and companies hold water appropriations for the benefit of electors and shareholders.
1305* Provide an income tax credit for long-term care insurance premiums.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1351* Designate the Nebraska Crime Control Act of 1994.
1359* Require computer access to legislative documents.

LR

319* Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.

JANIS MCKENZIE

LB

37* Eliminate a fee on commercial fertilizer.
77* Change provisions regulating consumption of alcohol on public property.
125* Prohibit interference with a person engaged in hunting, trapping, or fishing.
186* Change provisions for year-round operation of public schools.
241* Change provisions relating to recognized veterans organizations.
511* Prohibit certain zoning ordinances, resolutions, or regulations limiting the location of manufactured homes.
647* Provide for programs for learners with high ability.
647A Appropriation Bill.
648* Provide for comprehensive environmental lead inspections.
905* Authorize a local income tax for school districts and affiliated districts.
908* Change provisions and penalties for child abuse.
925 Provide an additional member to the Jail Standards Board.
926 Change provisions relating to school permits.
940* Limit application of the Nongame and Endangered Species Conservation Act.
946* Create the Child Protection Study Commission.
959* Exempt personal property other than certain motor vehicles from property tax.
960* Exempt farm products from property taxation.
961* Exempt livestock from personal property tax, change provisions relating to ethanol, and change distribution of cigarette tax proceeds.
962* Provide an exemption from a permit requirement for water wells.

963* Provide for certain transfers of ground water.
966* Require mobile home park owners to provide a storm shelter.
984* Provide an excise tax on corn and grain sorghum to pay for certain ethanol credits.
995* Provide for building levies for affiliated school systems.
1016* Provide for emergency box drugs in certain care institutions.
1017* Change provisions relating to amendment of a ground water management plan.
1034* Provide funds for scrap tire reduction and recycling.
1050* Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.
1053 Provide an exception from the numbering requirement for motorboats.
1087* Exempt labor and installation services from sale and use tax.
1100* Change provisions for review of administrative rules and regulations by the Attorney General.
1105* Change and provide fees for manufacturers hauling manufactured homes.
1122* Provide the Department of Environmental Quality make available a rate schedule for equipment and services used for remedial action.
1138 Provide for access for public libraries to telecomputing resources of the educational service units.
1149* Provide for the licensure of dietitians.
1185* Provide annual payments to the owner or condemnee for land surrounding transmission lines.
1186* Provide for acquisition of additional property by power districts when certain transmission lines are proposed.
1187* Provide for notice and hearing by power districts when certain transmission lines are proposed.
1190* Provide for a fee on commercial fertilizers.
1210A Appropriation Bill.
1213* Change provisions relating to compulsive gambling disorders.
1217* Change provisions for calculating state aid for reorganized school districts under the Tax Equity and Educational Opportunities Support Act.
1223*** Change health care licensing, disciplining, financial assistance, and other assistance.
1229* Provide an excise tax on corn and grain sorghum sold to Nebraska ethanol producers to pay for certain ethanol credits.
1234 Change provisions for equalization aid for enrollment option students.
1260* Adopt the Cable Television Act.

1261* Adopt the Environmental Lead Hazard Control Act.
1266* Recognize the Nebraska School Activities Association as an unincorporated association.
1267 Redefine "replacement water well" relating to registration of water wells.
1277* Provide that certain districts and companies hold water appropriations for the benefit of electors and shareholders.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1351* Designate the Nebraska Crime Control Act of 1994.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
16* Memorialize Congress to authorize states to prohibit desecration of the flag.
319* Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.

JAMES P. MONEN

LB

908* Change provisions and penalties for child abuse.
930* Change school enrollment option provisions for schools which have desegregation plans.
988*** Change provisions in the juvenile justice system.
989* Allow school districts participating in the Early Childhood Education Pilot Project to receive state aid.
1014 Change provisions relating to the decision procedure for a certificate of need under the Nebraska Health Care Certificate of Need Act.
1050* Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.
1087* Exempt labor and installation services from sale and use tax.
1140* Provide for testimony by telephone and audiovisual means in certain civil proceedings.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1342* Prohibit criminal intimidation and provide a penalty.
1351* Designate the Nebraska Crime Control Act of 1994.
1359* Require computer access to legislative documents.

SCOTT MOORE

LB

37* Eliminate a fee on commercial fertilizer.
76* Adopt the Election Act.
125* Prohibit interference with a person engaged in hunting, trapping, or fishing.

291*	Create and provide duties for the State Mental Health Planning and Evaluation Council.
322A	Appropriation Bill.
337*	Change provisions for treatment ordered by mental health boards.
371	Change enforcement and penalty provisions relating to protective helmets.
392*	Create and provide duties for the Special Education Accountability Commission.
495*	Permit distribution of samples of smokeless tobacco products for promotional purposes.
542	Provide for allocation of gifts, bequests, and devises made available to the State of Nebraska.
637*	Change provisions and fees for campaign statements and to register as a lobbyist.
663	Provide for criminal history checks of persons residing at a house for which designation as a McGruff House is sought.
797*	Authorize a long-term care security demonstration program.
872	Change provisions relating to hearings held by the Public Service Commission and change provisions relating to lobby registration.
873	Permit the use of school buses by certain nonprofit community organizations.
874*	Change provisions relating to land surveying.
885*	Adopt the Tax Equalization and Review Commission Act.
946*	Create the Child Protection Study Commission.
948	Eliminate a provision relating to the housing of the Director of Communications and staff.
959*	Exempt personal property other than certain motor vehicles from property tax.
961*	Exempt livestock from personal property tax, change provisions relating to ethanol, and change distribution of cigarette tax proceeds.
1006A	Appropriation Bill.
1017*	Change provisions relating to amendment of a ground water management plan.
1034*	Provide funds for scrap tire reduction and recycling.
1047*	Establish a mechanism for adjusting retirement benefits in the State Employees Retirement System.
1050*	Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.
1105*	Change and provide fees for manufacturers hauling manufactured homes.
1145*	Provide for the development and use of a state comprehensive capital facilities plan.

1211 Create and rename funds and change provisions relating to the Risk Manager.
1211A Appropriation Bill.
1213* Change provisions relating to compulsive gambling disorders.
1251 Change the income tax rate and the sales tax rate.
1252* Increase the number of petition signatures required for the recall of elected members of certain cities and villages.
1253* Change provisions relating to community colleges.
1256* Authorize the state to pay tuition for children of nonmilitary federal employees.

LR

280CA* Constitutional amendment to require legislative approval of gubernatorial appointments to vacated elected state offices.
295CA* Constitutional amendment to require legislative approval of gubernatorial appointments to vacated executive state offices.
319* Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.

DWITE A. PEDERSEN

LB

181* Change provisions relating to student discipline.
206 Prohibit open containers of alcoholic liquor in motor vehicles.
238* Change safety requirements for towing cabin trailers and boats.
241* Change provisions relating to recognized veterans organizations.
308* Provide for publication of persons in arrears of child support.
353* Change penalties for motor vehicle homicide.
354* Provide for issuance of special license plates to active members of the Nebraska National Guard.
355* Adopt the State Government Assessment Act.
511* Prohibit certain zoning ordinances, resolutions, or regulations limiting the location of manufactured homes.
530* Authorize incorporation as a city of the first or second class by petition.
551* Provide power to establish and fund a scholarship program for underprivileged youth in certain counties.
552* Change provisions for travel reports of state-owned motor vehicles.
589* Provide judges cannot hear cases of persons under age of nineteen without a parent or guardian being present.
601* Prohibit former senators and legislative staff from engaging in lobbyist activities.

618* Change provisions for sale or service of alcoholic liquor by minors in the course of employment.
619* Impose a surcharge on certain defendants.
679* Transfer the Fire Service and Safety Training Program to the State Fire Marshal.
718* Prohibit certain provisions for medical benefit contracts and mail-order pharmacies.
744* Require health benefit programs to provide an open enrollment period to pharmacies.
749* Authorize the suspension of driving privileges for certain juveniles.
906* Change provisions relating to jury, witness, and informant tampering in civil and criminal actions.
907* Provide for the offense of false reporting to governmental departments or agencies.
908* Change provisions and penalties for child abuse.
924* Change the amount of household income and actual value of a homestead for a homestead exemption.
943 Provide for disclosure of records relating to alcohol or drugs in body fluids.
989* Allow school districts participating in the Early Childhood Education Pilot Project to receive state aid.
996* Change provisions for the number of judges of the separate juvenile court to be appointed.
1002* Adopt the Water Service Regulation Act.
1027* Change provisions for sponsorship of fire training school for cities and villages.
1034* Provide funds for scrap tire reduction and recycling.
1050* Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.
1072* Authorize Omaha to increase the city sales and use tax.
1087* Exempt labor and installation services from sale and use tax.
1121* Change provisions for reduction of term for driver's license revocation.
1142* Eliminate a restriction on the appointment of juvenile probation officers.
1159* Provide for a personal property tax exemption for investments in certain business property.
1213* Change provisions relating to compulsive gambling disorders.
1213A Appropriation Bill.
1214 Eliminate the statute of limitations on the offense of sexual assault of a child.
1218* Require notice of motor vehicle liability policy terminations, cancellations, and nonrenewals.
1255 Increase the tax levy authorization for second class cities and villages for fire department purposes.

1286 Adopt the Collision Repair Facility Act.
1326* Change provisions for evaluation of persons committed to the Department of Correctional Services.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1342* Prohibit criminal intimidation and provide a penalty.
1359* Require computer access to legislative documents.

LR

16* Memorialize Congress to authorize states to prohibit desecration of the flag.
21CA* Constitutional amendment to provide that money from taxes and fees imposed on motor vehicles be used for payment of highway obligations.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.
319* Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.

CAROL MCBRIDE PIRSCH

LB

120* Establish statute of limitations for civil actions based on childhood sexual abuse.
245* Change provisions relating to hunting permits.
276* Change provisions for deposit of inmate wages in the Victim's Compensation Fund.
277* Change provisions relating to parole administration.
277A Appropriation Bill.
309 Require a chemical test for drugs or alcohol for persons applying for a motorcycle driver's license.
355* Adopt the State Government Assessment Act.
357* Authorize leave for state employees for specialized disaster relief services in Nebraska for the American Red Cross.
359* Change provisions of the State Boat Act.
436* Require an evaluation prior to commitment of a juvenile to a Youth Development Center.
436A Appropriation Bill.
589* Provide judges cannot hear cases of persons under age of nineteen without a parent or guardian being present.
618* Change provisions for sale or service of alcoholic liquor by minors in the course of employment.
619* Impose a surcharge on certain defendants.
707* State intent relating to battered spouse syndrome and battered person syndrome.
749* Authorize the suspension of driving privileges for certain juveniles.
753* Change the unemployment table for employment security.

877	Exempt credit unions from the Nebraska Sale of Checks Act.
878	Allow state chartered credit unions equal powers as federal credit unions.
945*	Change the sales factor used for unitary businesses for income tax purposes.
946*	Create the Child Protection Study Commission.
968	Change provisions for removal of members from the Board of Parole.
969	Change provisions for qualifications for members of the Board of Parole.
988***	Change provisions in the juvenile justice system.
989*	Allow school districts participating in the Early Childhood Education Pilot Project to receive state aid.
1024	Change procedures for review of a committed offender's record for purposes of granting parole.
1025*	Require fingerprints and a criminal background check for fire department applicants for metropolitan class cities.
1034*	Provide funds for scrap tire reduction and recycling.
1080*	Change the auditing requirements of fire protection districts.
1087*	Exempt labor and installation services from sale and use tax.
1107*	Provide for residential and general certification of real estate appraisers.
1209	Change provisions for conditions disqualifying applicants for employment security benefits.
1237	Provide an exemption from sales and use taxes for purchases for paralyzed veterans made by certain veterans organizations.
1246*	Provide for a credit against income tax for companies that contribute to a firearm buy-back program.
1285*	Exempt pharmacy services from medical assistance payments.
1298*	Change provisions for personal property remaining on premises after vacation of premises by a tenant.
1337*	Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1351*	Designate the Nebraska Crime Control Act of 1994.
1359*	Require computer access to legislative documents.

LR

16*	Memorialize Congress to authorize states to prohibit desecration of the flag.
29CA*	Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.
301CA	Constitutional amendment to delete a reference that a majority of the Board of Parole has the power to grant paroles.

319* Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag. childcare providers of Nebraska.

DONALD G. PREISTER

LB

72*** Eliminate provisions for acceptance or acquisition of radioactive waste by the state.

80* Lower the prohibited concentration of alcohol for DWI conviction.

147* Adopt the Commercial Dog and Cat Operator Inspection Act.

148* Change provisions for radioactive waste disposal sites.

149* Restrict the issuance and provide for revocation of a license under the Low Level Radioactive Waste Disposal Act.

241* Change provisions relating to recognized veterans organizations.

551* Provide power to establish and fund a scholarship program for underprivileged youth in certain counties.

596* Prohibit the operation of motorboats during certain months.

600* Change the mode of inflicting the death penalty to lethal injection.

601* Prohibit former senators and legislative staff from engaging in lobbyist activities.

644* Change provisions for child custody and visitation.

717* Preserve the powers of the chief of police in metropolitan class cities against certain labor agreement provisions.

773* Change fees for nonresident permits for hunting wild turkeys.

908* Change provisions and penalties for child abuse.

911* Provide for special master proceedings by the Commission of Industrial Relations.

913* Redefine "educational service agency" for purposes of disqualification for employment security benefits.

924* Change the amount of household income and actual value of a homestead for a homestead exemption.

935* Eliminate provisions relating to the presence and extermination of prairie dogs.

944* Prohibit contributions to members of and candidates for the Legislature and executive branch officials during certain periods.

946* Create the Child Protection Study Commission.

988*** Change provisions in the juvenile justice system.

996* Change provisions for the number of judges of the separate juvenile court to be appointed.

1029* Provide additional conditions under which grandparent visitation may be sought.
1034* Provide funds for scrap tire reduction and recycling.
1050* Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.
1064* Prohibit smoking in state facilities.
1155* Define "specialized mobile equipment" and change provisions relating to vehicle weight.
1156* Provide fees for vehicles over one hundred twenty thousand pounds.
1157* Change provisions relating to dummy axles.
1158* Change provisions relating to vehicle weight and dummy axles.
1204* Change provisions for an emission fee collected from air pollution sources.
1213* Change provisions relating to compulsive gambling disorders.
1219* Authorize a reduction in disposal fees for waste reduction and recycling programs.
1273* Change provisions to provide certain county officers are elected on a nonpartisan basis.
1293* Change provisions for licenses for sale of tobacco and tobacco products.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1351* Designate the Nebraska Crime Control Act of 1994.
1358* Provide a declaration of public policy relating to renewable energy sources.
1359* Require computer access to legislative documents.
1359A Appropriation Bill.
1360* Establish the Renewable Energy Commission.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.
304* Request the President appoint an independent commission to review our nation's nuclear waste programs.

JESSIE RASMUSSEN

LB

61* Prohibit disciplinary actions by employers based on use of lawful products and participation in lawful activities by employees.
186* Change provisions for year-round operation of public schools.
241* Change provisions relating to recognized veterans organizations.

242* Establish a standard to define sexual harassment.
357* Authorize leave for state employees for specialized disaster relief services in Nebraska for the American Red Cross.
392* Create and provide duties for the Special Education Accountability Commission.
393 Provide and change procedures for investigations of child abuse and neglect.
436* Require an evaluation prior to commitment of a juvenile to a Youth Development Center.
438* Change the name of the Department of Public Institutions.
496* Change provisions relating to the practice of pharmacy.
521 Adopt the Safe Children Policy Act.
522* Adopt the Licensed Practical Nurse-Certified Act.
522A Appropriation Bill.
528* Change provisions for immunization requirements for students enrolling in school.
531* Provide for communication agreements with birth parents relating to adoption.
640* Provide harassment is an unlawful employment practice.
644* Change provisions for child custody and visitation.
647* Provide for programs for learners with high ability.
648* Provide for comprehensive environmental lead inspections.
707* State intent relating to battered spouse syndrome and battered person syndrome.
797* Authorize a long-term care security demonstration program.
904* Change provisions for criteria regarding change in scope of practice under the Nebraska Regulation of Health Professions Act.
908* Change provisions and penalties for child abuse.
909* Change provisions relating to child care.
924* Change the amount of household income and actual value of a homestead for a homestead exemption.
927* Prohibit the transportation or possession of assault firearms.
929 Require certain actions by a driver of a vehicle which collides with an unattended vehicle.
930* Change school enrollment option provisions for schools which have desegregation plans.
945* Change the sales factor used for unitary businesses for income tax purposes.
988*** Change provisions in the juvenile justice system.
989* Allow school districts participating in the Early Childhood Education Pilot Project to receive state aid.
995* Provide for building levies for affiliated school systems.
1011* Require a handgun safety training certificate to obtain a certificate to purchase a handgun.

1029* Provide additional conditions under which grandparent visitation may be sought.
1034* Provide funds for scrap tire reduction and recycling.
1035 Provide notice to the subject of a child abuse or neglect report.
1035A Appropriation Bill.
1036 Authorize buy-backs of service credit for maternity leave in the school employees retirement system.
1037 Change provisions for payment of certain education costs for state wards.
1050* Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.
1055* Change provisions for the requirements for health education in public schools.
1072* Authorize Omaha to increase the city sales and use tax.
1087* Exempt labor and installation services from sale and use tax.
1110* Change provisions for employees, board membership, and termination of local health departments.
1146 Provide for reimbursement of costs to school districts for hearings on special education services.
1151* Dedicate a portion of the cigarette tax to provide for teacher salaries.
1176 Provide insurance reimbursement for mental health treatment.
1177* Create the Developmental Disabilities Commission.
1184* Provide for a minimum annual salary for teachers.
1200* Provide for licensing of advanced registered nurse practitioners.
1213* Change provisions relating to compulsive gambling disorders.
1222*** Adopt health insurance acts and change other insurance provisions.
1223*** Change health care licensing, disciplining, financial assistance, and other assistance.
1224*** Adopt the Welfare Reform Act and change provisions relating to public assistance.
1225* Create crimes involving obstruction of passage to or from and prohibited activities near health care facilities.
1261* Adopt the Environmental Lead Hazard Control Act.
1264* Change provisions for eligibility for medical assistance.
1299* Change provisions for eminent domain relating to the University of Nebraska.
1305* Provide an income tax credit for long-term care insurance premiums.
1319* Authorize involuntary commitment for treatment for sexually violent predators.

1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1342* Prohibit criminal intimidation and provide a penalty.
1351* Designate the Nebraska Crime Control Act of 1994.
1359* Require computer access to legislative documents.

LR

27CA Constitutional amendment to provide no person shall exercise powers of more than one branch of government.

JENNIE ROBAK

LB

37* Eliminate a fee on commercial fertilizer.
55* Provide procedures for drawing legislative and congressional district boundaries.
173* Authorize school crossing zones.
196* Provide for a medical hardship permit to operate a motor vehicle.
204* Provide for lunch time for employees of retail establishments.
238* Change safety requirements for towing cabin trailers and boats.
241* Change provisions relating to recognized veterans organizations.
242* Establish a standard to define sexual harassment.
291* Create and provide duties for the State Mental Health Planning and Evaluation Council.
291A Appropriation Bill.
337* Change provisions for treatment ordered by mental health boards.
353* Change penalties for motor vehicle homicide.
357* Authorize leave for state employees for specialized disaster relief services in Nebraska for the American Red Cross.
438* Change the name of the Department of Public Institutions.
513* Provide for quality review teams under the Nebraska Comprehensive Community Mental Health Services Act.
513A* Appropriation Bill.
656* Change provisions for inspection of private water supplies and private sewage disposal facilities.
791* Eliminate the Thoroughbred Racing Assistance Fund.
869* Change provisions relating to telecommunications companies and the method of rate regulations.
870* Change provisions relating to telecommunications.
876* Allow state chartered savings and loan associations equal power as federal associations.
906* Change provisions relating to jury, witness, and informant tampering in civil and criminal actions.

907* Provide for the offense of false reporting to governmental departments or agencies.
908* Change provisions and penalties for child abuse.
946* Create the Child Protection Study Commission.
951* Change provisions relating to criminal mischief.
952* Change provisions for the crime of public indecency.
965* Change provisions for the expungement of certain criminal history record information.
973* Change provisions for the inspection of private water supplies and private sewage disposal facilities.
988*** Change provisions in the juvenile justice system.
1022 Define "applicant" under the Solid Waste Landfill Closure Assistance Fund.
1034* Provide funds for scrap tire reduction and recycling.
1054* Provide penalties for speeding and passing in a school-crossing zone.
1079* Require a program for use of gasohol in state vehicles.
1087* Exempt labor and installation services from sale and use tax.
1108* Provide duties for employers, proprietors, and persons in charge of public meetings relating to smoking.
1132 Provide for a transaction exemption in accordance with federal Regulation D, Rule 504, for securities.
1142* Eliminate a restriction on the appointment of juvenile probation officers.
1144* Change provisions for the motor fuel tax rates.
1167* Provide for additional licenses for brewpubs.
1178* Provide duties for the Department of Social Services and Department of Public Institutions relating to the federal medicaid rehabilitation option.
1179 Provide for the use of professional staff in psychiatric rehabilitation services operated by the Department of Public Institutions.
1180 Require the Department of Public Institutions to collect data on state-funded psychiatric services.
1181* Require the creation of a library media consultant by the Department of Education.
1213* Change provisions relating to compulsive gambling disorders.
1222*** Adopt health insurance acts and change other insurance provisions.
1287* Increase the contribution rates for the State Patrol retirement system.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1351* Designate the Nebraska Crime Control Act of 1994.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.

16* Memorialize Congress to authorize states to prohibit desecration of the flag.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.
319* Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.

C. N. "BUD" ROBINSON

LB

76* Adopt the Election Act.
186* Change provisions for year-round operation of public schools.
241* Change provisions relating to recognized veterans organizations.
320* Create the School Aid Fund.
445 Authorize sponsorship of student organizations by the State Board of Education and the Department of Education.
445A Appropriation Bill.
913* Redefine "educational service agency" for purposes of disqualification for employment security benefits.
946* Create the Child Protection Study Commission.
949 Change provisions relating to game birds and animals.
951* Change provisions relating to criminal mischief.
952* Change provisions for the crime of public indecency.
961* Exempt livestock from personal property tax, change provisions relating to ethanol, and change distribution of cigarette tax proceeds.
984* Provide an excise tax on corn and grain sorghum to pay for certain ethanol credits.
990* Provide an increase in the fine for speeding in a construction zone.
1002* Adopt the Water Service Regulation Act.
1016* Provide for emergency box drugs in certain care institutions.
1027* Change provisions for sponsorship of fire training school for cities and villages.
1034* Provide funds for scrap tire reduction and recycling.
1034A Appropriation Bill.
1040 Change provisions for highway construction contract proposal forms.
1050* Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.
1064* Prohibit smoking in state facilities.
1065* Change restrictions on licensure of emergency medical technician-A/D services.
1079* Require a program for use of gasohol in state vehicles.

1080* Change the auditing requirements of fire protection districts.
1087* Exempt labor and installation services from sale and use tax.
1094 Permit certain nonprofit organizations to apply for a license to sell pickle cards.
1144* Change provisions for the motor fuel tax rates.
1213* Change provisions relating to compulsive gambling disorders.
1288* Change provisions relating to the Environmental Quality Council.
1314* Prohibit participation by students in certain activities in non-accredited schools.
1351* Designate the Nebraska Crime Control Act of 1994.

LR

16* Memorialize Congress to authorize states to prohibit desecration of the flag.
284 Approve gift of land from the Lester Fuhrman estate to the Game and Parks Commission.
319* Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.

STAN SCHELLPEPER

LB

55* Provide procedures for drawing legislative and congressional district boundaries.
102* Change provisions relating to membership on the State Racing Commission.
137* Change provisions for commencement and limitation of product liability actions.
150* Authorize the State Treasurer to deposit funds in certain lending institutions for small business loans.
241* Change provisions relating to recognized veterans organizations.
378 Change provisions for eligibility for liquor licenses.
501* Change provisions for contracts between counties and sanitary and improvement districts.
560* Require aerial applicators to have liability insurance.
562 Redefine terms relating to sales and use taxes.
672 Change provisions relating to horseracing.
673 Change provisions for removal of disabled motor vehicles.
694* Change and eliminate provisions relating to gambling.
718* Prohibit certain provisions for medical benefit contracts and mail-order pharmacies.
744* Require health benefit programs to provide an open enrollment period to pharmacies.
749* Authorize the suspension of driving privileges for certain juveniles.
762* Create state district attorney offices.

769* Redefine "community betterment purposes" under the County City and Lottery Act.
786* Change provisions for levying of taxes by the school board or board of education.
797* Authorize a long-term care security demonstration program.
908* Change provisions and penalties for child abuse.
915* Change provisions relating to public power district compensation and satellite television sales.
916 Change provisions for authorized investments by public power districts.
946* Create the Child Protection Study Commission.
960* Exempt farm products from property taxation.
961* Exempt livestock from personal property tax, change provisions relating to ethanol, and change distribution of cigarette tax proceeds.
995* Provide for building levies for affiliated school systems.
1001* Change provisions for payments to certain counties containing land held by the United States for the benefit of Indians.
1023* Provide for the offense of permitting a juvenile to possess a revolver.
1034* Provide funds for scrap tire reduction and recycling.
1050* Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.
1065* Change restrictions on licensure of emergency medical technician-A/D services.
1070 Change provisions for the exclusion of certain audit and legal expenses from gross lottery proceeds for expense limitation purposes.
1080* Change the auditing requirements of fire protection districts.
1087* Exempt labor and installation services from sale and use tax.
1099* Eliminate a requirement for a special fuel user permit for diesel fuel users.
1105* Change and provide fees for manufacturers hauling manufactured homes.
1142* Eliminate a restriction on the appointment of juvenile probation officers.
1154 Exempt personal property other than motor vehicles from property taxation.
1189* Change eminent domain procedures relating to railroads.
1190* Provide for a fee on commercial fertilizers.
1223*** Change health care licensing, disciplining, financial assistance, and other assistance.
1349* Adopt the Remedial Action Plan Monitoring Act.

1351* Designate the Nebraska Crime Control Act of 1994.
1354* Change provisions relating to the use and distribution of a horseracing fund.
1355* Change provisions for simulcast and interstate racetrack licenses.

LR

16* Memorialize Congress to authorize states to prohibit desecration of the flag.
21CA* Constitutional amendment to provide that money from taxes and fees imposed on motor vehicles be used for payment of highway obligations.
285CA* Constitutional amendment to prohibit school districts and educational service units from levying a property tax.
319* Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.

DIANNA R. SCHIMEK

LB

61* Prohibit disciplinary actions by employers based on use of lawful products and participation in lawful activities by employees.
76* Adopt the Election Act.
76A* Appropriation Bill.
77* Change provisions regulating consumption of alcohol on public property.
173* Authorize school crossing zones.
186* Change provisions for year-round operation of public schools.
241* Change provisions relating to recognized veterans organizations.
242* Establish a standard to define sexual harassment.
252* Establish criteria for transferring cases from Small Claims Court to county court.
314* Change the percentage amount of certain state boards of examiners fees credited to the General Fund.
338* Adopt the Electrolysis Practice Act.
428* Adopt the Election Act.
433* Change provisions relating to promotional distribution of tobacco products.
493* Provide for the offense of sexual exploitation by a psychotherapist.
525* Provide methods for the payment of employee wages.
596* Prohibit the operation of motorboats during certain months.
640* Provide harassment is an unlawful employment practice.
642* Require a disclosure statement for certain residential real property sales.
647* Provide for programs for learners with high ability.

722*	Adopt the Municipal Proprietary Function Act and the Municipal Miscellaneous Expenditure Act.
874*	Change provisions relating to land surveying.
906*	Change provisions relating to jury, witness, and informant tampering in civil and criminal actions.
907*	Provide for the offense of false reporting to governmental departments or agencies.
908*	Change provisions and penalties for child abuse.
911*	Provide for special master proceedings by the Commission of Industrial Relations.
913*	Redefine "educational service agency" for purposes of disqualification for employment security benefits.
922*	Change salary provisions for full-time veterans service officers of the county.
924*	Change the amount of household income and actual value of a homestead for a homestead exemption.
927*	Prohibit the transportation or possession of assault firearms.
944A	Appropriation Bill.
947*	Redefine "lobbying" under the Political Accountability and Disclosure Act.
952*	Change provisions for the crime of public indecency.
956*	Require insurance coverage for scalp hair prostheses.
966*	Require mobile home park owners to provide a storm shelter.
970*	Provide salary increase for constitutional officers.
975	Change the maximum amount authorized for change cash funds for the Game and Parks Commission.
1004	Change provisions for fees payable to the Secretary of State and for notary public fees.
1004A	Appropriation Bill.
1005	Provide for an executive director of the Nebraska State Board of Public Accountancy.
1006	Create the Training Revolving Fund for employee training programs.
1007	Change and eliminate certain powers and duties of the Auditor of Public Accounts.
1008	Allow certain counties to use an alternate accounting system.
1010*	Change provisions for the nomination of county court judges by judicial nominating commissions.
1018*	Adopt the Gun-Free School Zone Act.
1034*	Provide funds for scrap tire reduction and recycling.
1054*	Provide penalties for speeding and passing in a school-crossing zone.
1055*	Change provisions for the requirements for health education in public schools.

1087* Exempt labor and installation services from sale and use tax.
1133 Change provisions of the Campaign Finance Limitation Act.
1134 Appropriate funds to the Campaign Finance Limitation Cash Fund.
1135 Change provisions of the Campaign Finance Limitation Act.
1143* Change provisions for registration of voters and voting by certain registered voters.
1184* Provide for a minimum annual salary for teachers.
1213* Change provisions relating to compulsive gambling disorders.
1225* Create crimes involving obstruction of passage to or from and prohibited activities near health care facilities.
1235 Change and eliminate presumptions concerning abandonment of intangible personal property.
1236 Recognize the Nebraska State Historical Society as a state agency.
1314* Prohibit participation by students in certain activities in non-accredited schools.
1316* Provide cigarette tax increase and provide for use of proceeds for ground water quality, conservation easements, and plantings.
1319* Authorize involuntary commitment for treatment for sexually violent predators.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.
295CA* Constitutional amendment to require legislative approval of gubernatorial appointments to vacated executive state offices.

JERRY SCHMITT

LB

28* Change powers and duties of carrier enforcement officers.
80* Lower the prohibited concentration of alcohol for DWI conviction.
204* Provide for lunch time for employees of retail establishments.
227 Change requirements for lights on motor vehicles.
238* Change safety requirements for towing cabin trailers and boats.
353* Change penalties for motor vehicle homicide.

358	Authorize motor carrier enforcement division of the Nebraska State Patrol to conduct safety reviews of motor carriers.
552*	Change provisions for travel reports of state-owned motor vehicles.
600*	Change the mode of inflicting the death penalty to lethal injection.
749*	Authorize the suspension of driving privileges for certain juveniles.
906*	Change provisions relating to jury, witness, and informant tampering in civil and criminal actions.
907*	Provide for the offense of false reporting to governmental departments or agencies.
908*	Change provisions and penalties for child abuse.
918	Require proof of an amateur radio station license upon renewal of amateur radio station license plates.
919	Change the requirements for applications and certificates of title for motor vehicles.
922*	Change salary provisions for full-time veterans service officers of the county.
946*	Create the Child Protection Study Commission.
951*	Change provisions relating to criminal mischief.
952*	Change provisions for the crime of public indecency.
953*	Provide for a lifetime habitat stamp.
959*	Exempt personal property other than certain motor vehicles from property tax.
960*	Exempt farm products from property taxation.
961*	Exempt livestock from personal property tax, change provisions relating to ethanol, and change distribution of cigarette tax proceeds.
982*	Require a certificate of title and vehicle identification number for all vehicles required to be registered.
988***	Change provisions in the juvenile justice system.
1034*	Provide funds for scrap tire reduction and recycling.
1058*	Change provisions for cattle owners who operate both inside and outside the brand inspection area.
1065*	Change restrictions on licensure of emergency medical technician-A/D services.
1080*	Change the auditing requirements of fire protection districts.
1087*	Exempt labor and installation services from sale and use tax.
1091*	Require notice of cancellation and termination of motor vehicle liability insurance policies.
1099*	Eliminate a requirement for a special fuel user permit for diesel fuel users.
1118*	Allow local hospital districts to deposit excess funds.

1155* Define "specialized mobile equipment" and change provisions relating to vehicle weight.
1156* Provide fees for vehicles over one hundred twenty thousand pounds.
1157* Change provisions relating to dummy axles.
1158* Change provisions relating to vehicle weight and dummy axles.
1200* Provide for licensing of advanced registered nurse practitioners.
1213* Change provisions relating to compulsive gambling disorders.
1287* Increase the contribution rates for the State Patrol retirement system.
1309* Increase the amount of attorney's fees in a contested election for the Legislature.
1319* Authorize involuntary commitment for treatment for sexually violent predators.
1336* Eliminate provisions for a common levy for Class VI school systems.
1351* Designate the Nebraska Crime Control Act of 1994.
1358* Provide a declaration of public policy relating to renewable energy sources.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
16* Memorialize Congress to authorize states to prohibit desecration of the flag.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.
285CA* Constitutional amendment to prohibit school districts and educational service units from levying a property tax.
319* Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.

FLOYD VRTISKA

LB

80* Lower the prohibited concentration of alcohol for DWI conviction.
241* Change provisions relating to recognized veterans organizations.
252* Establish criteria for transferring cases from Small Claims Court to county court.
353* Change penalties for motor vehicle homicide.
438* Change the name of the Department of Public Institutions.
580 Specify the minimum level of funding for development districts.
600* Change the mode of inflicting the death penalty to lethal injection.

718*	Prohibit certain provisions for medical benefit contracts and mail-order pharmacies.
749*	Authorize the suspension of driving privileges for certain juveniles.
876*	Allow state chartered savings and loan associations equal power as federal associations.
896*	Provide for competitive bidding on contracts under the Petroleum Release Remedial Action Act.
908*	Change provisions and penalties for child abuse.
911*	Provide for special master proceedings by the Commission of Industrial Relations.
940*	Limit application of the Nongame and Endangered Species Conservation Act.
946*	Create the Child Protection Study Commission.
959*	Exempt personal property other than certain motor vehicles from property tax.
960*	Exempt farm products from property taxation.
961*	Exempt livestock from personal property tax, change provisions relating to ethanol, and change distribution of cigarette tax proceeds.
984*	Provide an excise tax on corn and grain sorghum to pay for certain ethanol credits.
988***	Change provisions in the juvenile justice system.
989*	Allow school districts participating in the Early Childhood Education Pilot Project to receive state aid.
1034*	Provide funds for scrap tire reduction and recycling.
1044*	Change provisions for a surcharge for the 911 emergency telephone systems.
1050*	Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.
1075	Change the boundary line between Missouri and Nebraska.
1087*	Exempt labor and installation services from sale and use tax.
1091*	Require notice of cancellation and termination of motor vehicle liability insurance policies.
1099*	Eliminate a requirement for a special fuel user permit for diesel fuel users.
1100*	Change provisions for review of administrative rules and regulations by the Attorney General.
1103	Provide for jurisdiction over wildlife resources on certain property by tribal governments.
1110*	Change provisions for employees, board membership, and termination of local health departments.
1122*	Provide the Department of Environmental Quality make available a rate schedule for equipment and services used for remedial action.

1222*** Adopt health insurance acts and change other insurance provisions.
1223*** Change health care licensing, disciplining, financial assistance, and other assistance.
1285* Exempt pharmacy services from medical assistance payments.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1351* Designate the Nebraska Crime Control Act of 1994.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
16* Memorialize Congress to authorize states to prohibit desecration of the flag.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.
319* Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.

JEROME WARNER

LB

21 Change the sales and use tax and income tax rates.
80* Lower the prohibited concentration of alcohol for DWI conviction.
312 Provide confidentiality for certain records relating to possible sites of archaeological significance.
313 Require certain provisions of law be subject to appropriations by the Legislature.
314* Change the percentage amount of certain state boards of examiners fees credited to the General Fund.
320* Create the School Aid Fund.
320A Appropriation Bill.
441 Change provisions for acquisition of private property for public use.
565* Provide requirements for contracts between a private entity and any state agency.
621 Redefine "formal action" and change penalty provisions of public meeting laws.
683 Change provisions relating to the Coordinating Commission for Postsecondary Education.
684 Change provisions for the boundaries of Class IV school districts.
762* Create state district attorney offices.
797* Authorize a long-term care security demonstration program.
820* Require signing of Supreme Court decisions by the justice principally writing the opinion.
875 Authorize property tax increases by educational service units for accessibility barrier elimination projects.

885*	Adopt the Tax Equalization and Review Commission Act.
902*	Change provisions relating to land valuation and the homestead exemption.
910	Redefine "household income" relating to homestead exemption.
937	Terminate a credit under the Employment and Investment Growth Act.
938	Specify the effect of certain court decisions on revenue and taxation.
947*	Redefine "lobbying" under the Political Accountability and Disclosure Act.
954	Provide the University of Nebraska add general architecture as a graduate degree program with approval of the Coordinating Commission for Postsecondary Education.
976	Create the Municipal Infrastructure Grant Fund.
1045	Provide for a transfer of funds from the Cash Reserve Fund to the Job Training Fund.
1063	Change provisions for the comprehensive state plan, program review, and budget and state aid requests for postsecondary education.
1083	Exempt certain renters from a fee on motor vehicle rentals.
1160	Adopt the Diesel Fuel Tax Act and Alternative Fuel Tax Act.
1160A	Appropriation Bill.
1201	Require disclosure of campaign contributions by certain lottery vendors.
1202*	Provide powers and duties relating to cable utility system ownership.
1289	Appropriate funds to the Department of Revenue.
1290	Change provisions for calculation of state aid to schools under the Tax Equity and Educational Opportunities Support Act.
1291	Allow profits from bingo and pickle card activities to fund a retirement plan for volunteer firefighters.
1356	Change the transfer of lottery funds.

LR

16*	Memorialize Congress to authorize states to prohibit desecration of the flag.
21CA*	Constitutional amendment to provide that money from taxes and fees imposed on motor vehicles be used for payment of highway obligations.
319*	Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.

ROGER R. WEHRBEIN

LB	
80*	Lower the prohibited concentration of alcohol for DWI conviction.
125*	Prohibit interference with a person engaged in hunting, trapping, or fishing.
166*	Change provisions relating to the selection of presidential electors.
167	Require the Department of Health to develop educational materials relating to smoking.
241*	Change provisions relating to recognized veterans organizations.
548	Adopt the Milk Marketing Act.
600*	Change the mode of inflicting the death penalty to lethal injection.
637*	Change provisions and fees for campaign statements and to register as a lobbyist.
681	Require an appraisal before property is purchased by a political subdivision.
708	Provide for acceptance of a gift of property to the Game and Parks Commission from the Nebraska Game and Parks Foundation.
708A	Appropriation Bill.
749*	Authorize the suspension of driving privileges for certain juveniles.
797*	Authorize a long-term care security demonstration program.
908*	Change provisions and penalties for child abuse.
960*	Exempt farm products from property taxation.
962*	Provide an exemption from a permit requirement for water wells.
963*	Provide for certain transfers of ground water.
984*	Provide an excise tax on corn and grain sorghum to pay for certain ethanol credits.
984A	Appropriation Bill.
985*	Change provisions for priorities in allocation of the Environmental Trust Fund.
988***	Change provisions in the juvenile justice system.
1002*	Adopt the Water Service Regulation Act.
1016*	Provide for emergency box drugs in certain care institutions.
1019	Change provisions for the composition of the board of health for first and second class cities.
1034*	Provide funds for scrap tire reduction and recycling.
1050*	Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.
1079*	Require a program for use of gasohol in state vehicles.

1087* Exempt labor and installation services from sale and use tax.
1091* Require notice of cancellation and termination of motor vehicle liability insurance policies.
1099* Eliminate a requirement for a special fuel user permit for diesel fuel users.
1100* Change provisions for review of administrative rules and regulations by the Attorney General.
1118* Allow local hospital districts to deposit excess funds.
1169 Increase the penalty for the crime of using firearms to commit a felony.
1181* Require the creation of a library media consultant by the Department of Education.
1213* Change provisions relating to compulsive gambling disorders.
1229* Provide an excise tax on corn and grain sorghum sold to Nebraska ethanol producers to pay for certain ethanol credits.
1252* Increase the number of petition signatures required for the recall of elected members of certain cities and villages.
1287* Increase the contribution rates for the State Patrol retirement system.
1316* Provide cigarette tax increase and provide for use of proceeds for ground water quality, conservation easements, and plantings.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1349* Adopt the Remedial Action Plan Monitoring Act.
1351* Designate the Nebraska Crime Control Act of 1994.

LR

16* Memorialize Congress to authorize states to prohibit desecration of the flag.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.
280CA* Constitutional amendment to require legislative approval of gubernatorial appointments to vacated elected state offices.
295CA* Constitutional amendment to require legislative approval of gubernatorial appointments to vacated executive state offices.
319* Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.

DON WESELY

LB

150* Authorize the State Treasurer to deposit funds in certain lending institutions for small business loans.

211*	Create the Health Advisory Board and change identification requirements for issuance of drivers' licenses.
249*	Adopt the State Government Effectiveness Act.
275	Regulate activities involving automatic dialing-announcing devices and fax machines.
291*	Create and provide duties for the State Mental Health Planning and Evaluation Council.
317	Provide for reduced bus fare for low-income persons.
337*	Change provisions for treatment ordered by mental health boards.
382	Prohibit certain acts by insurers and agents relating to title insurance.
398	Change provisions relating to circulators of certain petitions.
438*	Change the name of the Department of Public Institutions.
490*	Provide for evidence of child abuse to be considered in child custody proceedings.
493*	Provide for the offense of sexual exploitation by a psychotherapist.
497*	Change provisions for appointment, powers, and duties of guardians and conservators.
498	Change provisions relating to mental health treatment and criminal procedure.
498A	Appropriation Bill.
513*	Provide for quality review teams under the Nebraska Comprehensive Community Mental Health Services Act.
513A*	Appropriation Bill.
515	Adopt the Children and Youth Mental Health and Substance Abuse Managed Care Act.
518	Change provisions for treatment of persons found not responsible by reason of insanity.
565*	Provide requirements for contracts between a private entity and any state agency.
608	Define "bungee jumping" and provide inspection fees.
608A	Appropriation Bill.
611	Provide and eliminate certain bank insider lending limit provisions.
740*	Prohibit issuance of certificates of need for a one-year period for certain projects.
741*	Adopt the Mental Health and Substance Abuse Treatment Act.
776	Provide for determining validity and sufficiency of signatures on initiative and referendum petitions.
787	Provide for a Division of Rehabilitative Services in the Department of Public Institutions.
788	Authorize continued renovation of Morrill Hall and appropriate funds for exhibit renovation.
797*	Authorize a long-term care security demonstration program.

817*	Adopt the Hospital Cooperation Act.
817A	Appropriation Bill.
820*	Require signing of Supreme Court decisions by the justice principally writing the opinion.
823	Adopt the Foreign and Domestic Trade Assistance Act.
825	Prohibit certain advertisements, payments of money, and other actions relating to adoption of children.
826	Adopt the Family Resource Centers Support Act.
827	Adopt the Health Care Reform Act.
837***	Change provisions relating to disciplinary actions under the Uniform Licensing Law.
902*	Change provisions relating to land valuation and the homestead exemption.
909*	Change provisions relating to child care.
924*	Change the amount of household income and actual value of a homestead for a homestead exemption.
947*	Redefine "lobbying" under the Political Accountability and Disclosure Act.
983*	Provide a fiscal analysis of the Employment and Investment Growth Act by the Department of Revenue.
988***	Change provisions in the juvenile justice system.
1011*	Require a handgun safety training certificate to obtain a certificate to purchase a handgun.
1012*	Require firearms to be stored safely and provide penalties.
1050*	Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.
1055*	Change provisions for the requirements for health education in public schools.
1092	Exempt admission fees charged by cities and villages for nonprofit uses and activities from sales tax.
1117*	Require a payment and performance bond for contracts to collect child support.
1177*	Create the Developmental Disabilities Commission.
1178*	Provide duties for the Department of Social Services and Department of Public Institutions relating to the federal medicaid rehabilitation option.
1222***	Adopt health insurance acts and change other insurance provisions.
1222A	Appropriation Bill.
1223***	Change health care licensing, disciplining, financial assistance, and other assistance.
1223A	Appropriation Bill.
1224***	Adopt the Welfare Reform Act and change provisions relating to public assistance.
1224A	Appropriation Bill.
1262	Adopt the Primary Care Provider Act.
1263*	Adopt the Nebraska Trauma Systems Development Act.

1264* Change provisions for eligibility for medical assistance.
1265 Provide the Nebraska Hospital-Medical Liability Act is applicable to optometrists, nurse practitioners, and podiatrists.
1303 Adopt the Alzheimer's Special Care Disclosure Act.
1318 Change provisions relating to parental rights.
1319* Authorize involuntary commitment for treatment for sexually violent predators.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1351* Designate the Nebraska Crime Control Act of 1994.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
502 Affirm certain principles as a guide for health care policy in Nebraska.

BOB WICKERSHAM

LB

125* Prohibit interference with a person engaged in hunting, trapping, or fishing.
132* Redefine "fur-bearing animals" and "predator" under the Game Law.
140* Change provisions for health and safety rules and regulations for railroad employees.
185* Define "ex parte communication" relating to administrative procedure.
241* Change provisions relating to recognized veterans organizations.
242* Establish a standard to define sexual harassment.
245* Change provisions relating to hunting permits.
254* Provide for arrest of an offender in any other jurisdiction in this state by a law enforcement officer.
303 Change provisions for financial examinations for Class I school districts.
359* Change provisions of the State Boat Act.
446* Adopt the Negotiated Rulemaking Act and change provisions relating to rules and procedures of state agencies.
446A Appropriation Bill.
460* Change provisions of the deferred compensation plan for state employees.
558* Change provisions for furnishing proof of financial responsibility for renewal of motor vehicle registration by telephone.
577 Provide for an exemption from an election requirement for public power districts.
696* Limit certain actions by an employer based on an employee's use of a lawful product.

744*	Require health benefit programs to provide an open enrollment period to pharmacies.
755	Provide for additional state aid to education.
833A	Appropriation Bill.
902*	Change provisions relating to land valuation and the homestead exemption.
902A	Appropriation Bill.
908*	Change provisions and penalties for child abuse.
923*	Provide for the sale of certain school lands and for reinvestment of such proceeds.
928*	Provide for the crimes of deadly assault in the first and second degrees and motor vehicle deadly assault.
953*	Provide for a lifetime habitat stamp.
958*	Provide for a lifetime trout stamp.
959*	Exempt personal property other than certain motor vehicles from property tax.
960*	Exempt farm products from property taxation.
961*	Exempt livestock from personal property tax, change provisions relating to ethanol, and change distribution of cigarette tax proceeds.
962*	Provide an exemption from a permit requirement for water wells.
963*	Provide for certain transfers of ground water.
988***	Change provisions in the juvenile justice system.
989*	Allow school districts participating in the Early Childhood Education Pilot Project to receive state aid.
1027*	Change provisions for sponsorship of fire training school for cities and villages.
1047*	Establish a mechanism for adjusting retirement benefits in the State Employees Retirement System.
1058*	Change provisions for cattle owners who operate both inside and outside the brand inspection area.
1065*	Change restrictions on licensure of emergency medical technician-A/D services.
1080*	Change the auditing requirements of fire protection districts.
1087*	Exempt labor and installation services from sale and use tax.
1088	Change provisions for deer, antelope, and elk permits for disabled persons.
1100*	Change provisions for review of administrative rules and regulations by the Attorney General.
1108*	Provide duties for employers, proprietors, and persons in charge of public meetings relating to smoking.
1121*	Change provisions for reduction of term for driver's license revocation.

1124 Provide powers and duties for the Game and Parks Commission relating to railroad rights-of-way and recreational trails.
1182 Provide for the validity of certain deeds executed by a personal representative.
1183 Change provisions for interest on judgments and other legal actions.
1189* Change eminent domain procedures relating to railroads.
1203 Rename the Nebraska Disaster and Civil Defense Act of 1973 and the State Civil Defense Agency.
1213* Change provisions relating to compulsive gambling disorders.
1217* Change provisions for calculating state aid for reorganized school districts under the Tax Equity and Educational Opportunities Support Act.
1238 Redefine "final compensation" for judges and State Patrol retirement plans.
1239 Provide for recalculation of the Class VI school system tax levy.
1245* Change provisions for the firefighters' retirement systems in first class cities.
1257* Change provisions of the Nebraska Budget Act relating to certain cash limitations and the definition of public funds.
1258* Authorize issuing of passes for certain individuals to school activities.
1263* Adopt the Nebraska Trauma Systems Development Act.
1277* Provide that certain districts and companies hold water appropriations for the benefit of electors and shareholders.
1287A Appropriation Bill.
1306A Appropriation Bill.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.
16* Memorialize Congress to authorize states to prohibit desecration of the flag.
319* Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.

ERIC J. WILL

LB

120* Establish statute of limitations for civil actions based on childhood sexual abuse.
132* Redefine "fur-bearing animals" and "predator" under the Game Law.
137* Change provisions for commencement and limitation of product liability actions.
221* Change allocations of funds for roads in counties.

241* Change provisions relating to recognized veterans organizations.
248* Adopt the Contractor Registration Act.
361 Change provisions for prosecutions for sale of liquor to a minor.
368 Provide for annexation of land in adjoining counties by metropolitan class cities.
416 Change provisions for shipping licenses under the Nebraska Liquor Control Act.
422 Define "public power entity."
489* Change and eliminate taxation provisions on bingo.
509* Provide salary increases for the Supreme Court judges.
511* Prohibit certain zoning ordinances, resolutions, or regulations limiting the location of manufactured homes.
525* Provide methods for the payment of employee wages.
551* Provide power to establish and fund a scholarship program for underprivileged youth in certain counties.
558* Change provisions for furnishing proof of financial responsibility for renewal of motor vehicle registration by telephone.
630* Provide duties and limitations for municipalities annexing territory and change provisions for annexation of sanitary and improvement districts.
640* Provide harassment is an unlawful employment practice.
653* Provide for an income tax deduction for certain educational expenses.
694* Change and eliminate provisions relating to gambling.
694A Appropriation Bill.
696* Limit certain actions by an employer based on an employee's use of a lawful product.
707* State intent relating to battered spouse syndrome and battered person syndrome.
717* Preserve the powers of the chief of police in metropolitan class cities against certain labor agreement provisions.
758 Change provisions for student population requirements for cooperative programs and contracting for instruction.
763 Authorize a special levy to cover reimbursement for certain property taxes.
797* Authorize a long-term care security demonstration program.
820* Require signing of Supreme Court decisions by the justice principally writing the opinion.
908* Change provisions and penalties for child abuse.
924* Change the amount of household income and actual value of a homestead for a homestead exemption.
930* Change school enrollment option provisions for schools which have desegregation plans.

945* Change the sales factor used for unitary businesses for income tax purposes.
990* Provide an increase in the fine for speeding in a construction zone.
1011* Require a handgun safety training certificate to obtain a certificate to purchase a handgun.
1012* Require firearms to be stored safely and provide penalties.
1013* Prohibit a person from allowing a minor to possess a handgun.
1018* Adopt the Gun-Free School Zone Act.
1034* Provide funds for scrap tire reduction and recycling.
1048 Eliminate and change provisions for unclaimed property relating to abandoned stock or other intangible ownership interests.
1049 Change provisions relating to unclaimed property and confidentiality of records.
1050* Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.
1072* Authorize Omaha to increase the city sales and use tax.
1073 Provide a rebuttable presumption for firefighters concerning death or disability as a result of cancer.
1149* Provide for the licensure of dietitians.
1151* Dedicate a portion of the cigarette tax to provide for teacher salaries.
1167* Provide for additional licenses for brewpubs.
1200* Provide for licensing of advanced registered nurse practitioners.
1220* Allow parents of children involved in criminal activity to face criminal charges.
1221 Change provisions for division of assets and obligations upon annexation of territory in certain districts.
1225* Create crimes involving obstruction of passage to or from and prohibited activities near health care facilities.
1298* Change provisions for personal property remaining on premises after vacation of premises by a tenant.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1341* Change provisions for preferred provider health insurance contracts.
1342* Prohibit criminal intimidation and provide a penalty.
1351* Designate the Nebraska Crime Control Act of 1994.
1352 Change provisions of the Asbestos Control Act.
1354* Change provisions relating to the use and distribution of a horseracing fund.

LR

29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.

300CA** Constitutional amendment to provide the Governor power to grant respites, reprieves, pardons, or commutations in capital cases.

KATE WITEK

LB

80* Lower the prohibited concentration of alcohol for DWI conviction.

125* Prohibit interference with a person engaged in hunting, trapping, or fishing.

156* Prohibit the use of public facilities and funds for abortions.

166* Change provisions relating to the selection of presidential electors.

233* Change provisions for selection of presidential electors.

241* Change provisions relating to recognized veterans organizations.

276* Change provisions for deposit of inmate wages in the Victim's Compensation Fund.

277* Change provisions relating to parole administration.

308* Provide for publication of persons in arrears of child support.

354* Provide for issuance of special license plates to active members of the Nebraska National Guard.

354A Appropriation Bill.

355* Adopt the State Government Assessment Act.

589* Provide judges cannot hear cases of persons under age of nineteen without a parent or guardian being present.

601* Prohibit former senators and legislative staff from engaging in lobbyist activities.

718* Prohibit certain provisions for medical benefit contracts and mail-order pharmacies.

744* Require health benefit programs to provide an open enrollment period to pharmacies.

945* Change the sales factor used for unitary businesses for income tax purposes.

998 Prohibit requiring learner-outcome-based educational methodologies as a prerequisite for accreditation.

999 Prohibit requiring learner-outcome-based educational methodologies as a prerequisite for accreditation.

1015 Redefine "banking day" under the Uniform Commercial Code.

1034* Provide funds for scrap tire reduction and recycling.

1050* Create an income tax refund designation program for the Cornhusker State Games and the United States Olympic Committee.

1087* Exempt labor and installation services from sale and use tax.

1152* Change certain procedures and remedies for employment discrimination claims.
1213* Change provisions relating to compulsive gambling disorders.
1285* Exempt pharmacy services from medical assistance payments.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1351* Designate the Nebraska Crime Control Act of 1994.

LR

16* Memorialize Congress to authorize states to prohibit desecration of the flag.
21CA* Constitutional amendment to provide that money from taxes and fees imposed on motor vehicles be used for payment of highway obligations.
29CA* Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.
280CA* Constitutional amendment to require legislative approval of gubernatorial appointments to vacated elected state offices.
295CA* Constitutional amendment to require legislative approval of gubernatorial appointments to vacated executive state offices.
299CA Constitutional amendment to provide parents with the right and duty to direct the upbringing of their children.
319* Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.

RON WITHEM

LB

73 Adopt the Fire Suppression Systems Act.
75 Provide for the free use of certain libraries by students.
76* Adopt the Election Act.
76A* Appropriation Bill.
94 Change provisions for calculation of tiered cost per student.
94A Appropriation Bill.
95 Appropriate funds to the Department of Education for geographic education.
96 Change and eliminate provisions for caucuses and primary elections for school districts.
98A Change the date for an intergovernmental transfer of funds.
99 Change provisions relating to the Professional Practices Commission.
186* Change provisions for year-round operation of public schools.
248* Adopt the Contractor Registration Act.

263	Change provisions for the role and mission of community colleges.
264	Create the Nebraska Research Initiative Commission.
324	Change provisions for scholarships and postsecondary education.
349	Create the Tuition Recovery Revolving Fund.
349A	Appropriation Bill.
357*	Authorize leave for state employees for specialized disaster relief services in Nebraska for the American Red Cross.
380*	Adopt the Economy and Productivity In State Government Act.
392*	Create and provide duties for the Special Education Accountability Commission.
428*	Adopt the Election Act.
449	Change the distribution of state lottery proceeds for education.
450	Change provisions for joint child custody cases.
451	Change provisions for release of a juvenile by the court.
584	Change provisions for issuance of drivers' licenses.
649	Appropriate funds to the University of Nebraska for science and math education.
658	Change provisions for taxation of property incorporated into real estate.
660	Eliminate a duty for school districts to provide certain information relating to abortion.
715	Change provisions relating to community colleges.
931*	Change a sales and use tax exemption for medicine and medical equipment.
932*	Provide a limit on certain fees charged by public libraries.
987*	Change provisions relating to accrediting organizations for postsecondary education.
988***	Change provisions in the juvenile justice system.
991**	Appropriate funds for state government expenses.
996*	Change provisions for the number of judges of the separate juvenile court to be appointed.
1002*	Adopt the Water Service Regulation Act.
1021	Eliminate limitations on formation of Class VI school districts.
1044*	Change provisions for a surcharge for the 911 emergency telephone systems.
1052*	Increase the number of judges in the second district court judicial district.
1057*	Change provisions for the limit on importation of liquor.
1087*	Exempt labor and installation services from sale and use tax.
1126	Provide additional coverage for certain persons under the Comprehensive Health Insurance Pool Act.

1143* Change provisions for registration of voters and voting by certain registered voters.
1151* Dedicate a portion of the cigarette tax to provide for teacher salaries.
1155* Define "specialized mobile equipment" and change provisions relating to vehicle weight.
1156* Provide fees for vehicles over one hundred twenty thousand pounds.
1157* Change provisions relating to dummy axles.
1161 Require adoption of policies by school districts relating to parental involvement in educational practices.
1162 Change provisions relating to trust accounts and real estate brokers.
1174* Require the Tax Commissioner to examine the accuracy of reported taxes under the Local Option Revenue Act when examining sales and use tax records.
1175* Provide duties for the Tax Commissioner and change provisions relating to city sales tax elections.
1184* Provide for a minimum annual salary for teachers.
1213* Change provisions relating to compulsive gambling disorders.
1247 Allow ESUs to provide for connecting telecomputing equipment.
1248 Require juveniles who are on probation to attend school or an on-the-job training program.
1249 Change provisions for calculation of tiered cost per student under the Tax Equity and Educational Opportunities Support Act.
1250* Adopt and change student discipline procedures.
1273* Change provisions to provide certain county officers are elected on a nonpartisan basis.
1275 Change provisions relating to real estate transactions and public records.
1275A Appropriation Bill.
1315 Change provisions of the Wage and Hour Act.
1317* Provide height requirements for motor vehicles.
1337* Provide for assessment, calculation, and collection of a state unemployment insurance tax.
1340 Provide a requirement for contracts to provide instructional responsibility.
1362** Change the income requirements for homestead exemptions.

LR

8CA* Authorize Legislators to participate in employee benefit programs available to other state officials.

* With others.
** At the request of the Governor.
*** With others and at the request of the Governor.

AGRICULTURE

LB	
933	Change provisions for certain weights and measures handbooks adopted by reference.
934	Extend the termination date of the Farm Mediation Act.
1071	Change the duties of the Department of Agriculture relating to beekeeping and provide duties for the University of Nebraska.

APPROPRIATIONS

LB	
322**	Require bidding for certain services purchased by the state.
844	Change provisions for continuing education for county attorneys and deputy county attorneys.
1097	Provide additional powers and duties for the Accounting Administrator with respect to preaudits.
1191	Create the Secretary of State Administration Cash Fund.
1192	Create the Foster Care Review Board Cash Fund.
1193	Create the Department on Aging Cash Fund.
1194	Create funds and authorize certain administrative establishment of funds.
1195	Create the Veterans' Home Building Fund, the Department of Public Institutions Institutional Cash Fund, and the School District Reimbursement Fund.
1196	Create the Department of Justice Revolving Fund and the Department of Justice Cash Fund.
1197	Create the Roads Operation Cash Fund.
1198	Create the Commission on the Status of Women Cash Fund.
1199	Create the Administrative Cash Fund within the Department of Economic Development.

BANKING, COMMERCE AND INSURANCE

None

BUSINESS AND LABOR

LB	
1056	Adopt the Private Employers Workers' Compensation Group Self-Insurance Act.
1363	Disapprove certain claims against the state.
1364	Appropriate funds for the payment of certain claims against the state.

EDUCATION

LB	
1310	Change provisions relating to schools and the issuance of passes for school district and community college activities.

EXECUTIVE BOARD

LB	
846	Revisor bill to change an internal reference relating to recreational trails.
847	Revisor bill to change internal references relating to mail routes.
848	Revisor bill to change internal references relating to highways.
849	Revisor bill to delete internal references relating to youth development centers.
850	Revisor bill to change internal references relating to the Nebraska Motor Vehicle Industry Licensing Board.
851	Revisor bill relating to jails.
852	Revisor bill to eliminate an obsolete reference relating to insurance.
853	Revisor bill to eliminate an obsolete reference relating to health.
854	Revisor bill to eliminate obsolete language relating to the Educational Telecommunications Commission.
855	Revisor bill to delete a reference to a repealed section relating to civil procedure.
856	Revisor bill to repeal provisions governing the Presidential Primary Election Study Committee.
857	Revisor bill to repeal provisions relating to insurance.
858	Revisor bill to delete references relating to education.
859	Revisor bill to change internal references relating to the Nebraska Liquor Control Act.

GENERAL AFFAIRS

LB	
997	Provide for public libraries, district public libraries, and public library federations.
1153	Change provisions relating to horseracing.
1353	Establish the Gaming Study Commission.
LR	
293CA	Constitutional amendment to remove the restriction that wagering on horseraces be conducted within a licensed racetrack enclosure.
303CA	Constitutional amendment to allow licensed racetracks to conduct a lottery.

GOVERNMENT, MILITARY AND VETERANS AFFAIRS

LB	
944*	Prohibit contributions to members of and candidates for the Legislature and executive branch officials during certain periods.

HEALTH AND HUMAN SERVICES

LB	
376	Redefine "ambulatory surgical facility" under the Nebraska Health Care Certificate of Need Act.
819	Change provisions relating to reporting and testing for communicable diseases.
1076	Authorize claims against the estate of a decedent who received medical assistance.
1077	Change fees, license terms, and reporting requirements under the Burial Pre-Need Sale Act.
1078	Change provisions for disciplinary actions involving health professionals and hospitals.
1115	Change provisions for education, training, and testing of persons operating x-ray systems.
1210	Change provisions relating to public health and welfare.
1304	Provide duties for the Director of Insurance relating to long-term care insurance.

JUDICIARY

None

NATURAL RESOURCES

LB	
480	Change provisions relating to natural resources districts and change requirements relating to ground water management plans.
481	Accept grant-in-aid from the federal government for recreational trails.
482	Change provisions for loans to school districts for energy efficiency projects.

NEBRASKA RETIREMENT SYSTEMS

LB	
833	Modify the state administered retirement plans to conform with IRS requirements.
1068	Change retirement provisions for firefighters and for employees of the Coordinating Commission for Postsecondary Education.
1306	Change provisions relating to state administered retirement plans.
1338	Increase the retirement contribution rates for counties and state retirement systems.
1339	Change the actuarial funding method for the judges, state patrol, and school employees retirement plans.

REVENUE

LB	
977	Change provisions relating to revenue and taxation.

TRANSPORTATION

LB	
411	Change provisions for drivers' licenses and permits.
414	Change provisions relating to regulation of carriers.
421	Adopt the One-Call Notification System Act.
1059	Authorize local authorities to issue special permits for overweight vehicles.
1060	Change provisions for federal safety and hazardous material regulations for motor carriers.
1061	Change provisions relating to vehicles, records, and other property.
1062	Define and redefine terms relating to motor vehicle registration.

URBAN AFFAIRS

LB	
530*	Authorize incorporation as a city of the first or second class by petition.
628	Change provisions for municipal bond transactions of cities and villages.
1320	Change provisions for exercise of jurisdiction by first class cities.
1321	Create urbanizing area planning commissions in cities and counties.
1322	Allow a utility rate hearing by video teleconference.
1323	Provide a salary increase for sanitary and improvement district trustees and clerks.

* With others.
** At the request of the Governor.
*** With others and at the request of the Governor.

LEGISLATIVE BILLS AND RESOLUTIONS HEARD BY COMMITTEE

NINETY-THIRD LEGISLATURE SECOND SESSION 1994

Agriculture

Chairperson - Merton L. Dierks

147	548	882	935	1071	1274
335	560	933	950	1165	1335
447	770	934	1058	1230	

Appropriations

Chairperson - Scott Moore

95	649	1134	1193	1197	1211
313	788	1168	1194	1198	1216
314	991	1191	1195	1199	1289
322	1006	1192	1196	1208	1356
542	1045				

Banking, Commerce and Insurance

Chairperson - David M. Landis

150	718	884	992	1086	1162
219	738	942	1009	1091	1176
223	744	956	1015	1098	1183
339	823	957	1042	1107	1222
382	862	967	1048	1118	1235
404	867	974	1049	1126	1241
488	876	978	1066	1132	1286
603	877	979	1067	1141	1304
611	878	980	1074	1147	1341
705	883				

Business and Labor

Chairperson - Chris Abboud

61	248	525	640	753	911
140	285	594	676	754	913
204	286	608	696	771	1056
242	395	612	717	861	1101

1109	1164	1209	1315	1363	
1152	1172	1279	1337	1364	

Education

Chairperson - Ardyce Bohlke

94	392	758	999	1166	1256
96	445	863	1021	1181	1258
99	456	881	1037	1184	1266
100	569	914	1046	1206	1269
181	586	923	1055	1217	1290
186	647	930	1063	1228	1295
263	679	954	1123	1234	1310
264	683	987	1138	1247	1311
303	684	989	1146	1249	1312
324	715	995	1161	1250	1314
349	755	998	1163	1253	1340
381					

Executive Board

Chairperson - Timothy J. Hall

1243	1309	1359

General Affairs

Chairperson - Stan Schellpeper

75	383	694	1057	1167	1353
77	416	728	1069	1278	1354
102	449	730	1070	1292	1355
206	489	769	1085	1297	LR293CA
287	618	791	1094	1313	LR302CA
361	654	932	1153	1324	LR303CA
378	672	997			

Government, Military and Veterans Affairs

Chairperson - DiAnna R. Schimek

55	233	398	565	729	925
65	241	401	580	747	944
76	249	407	601	759	947
166	281	408	621	765	948
169	312	428	637	776	970
185	333	446	681	874	971
212	355	503	687	889	1001
213	357	551	706	894	1004
232	380	552	727	922	1005

1007	1097	1145	1244	LR14CA	LR279
1008	1100	1171	1252	LR15CA	LR280CA
1043	1103	1201	1273	LR18CA	LR282
1075	1133	1203	LR4CA	LR22CA	LR295CA
1079	1135	1215	LR8CA	LR26CA	LR497
1080	1139	1226	LR11CA	LR27CA	LR498
1093	1143	1236	LR12CA		

Health and Human Services

Chairperson - Don Wesely

73	515	827	1028	1149	1262
135	521	837	1064	1177	1263
167	522	886	1065	1178	1264
260	528	900	1076	1179	1265
291	531	904	1077	1180	1276
337	648	909	1078	1200	1285
338	656	946	1089	1210	1296
376	740	966	1108	1212	1303
438	787	973	1110	1213	1318
469	797	1000	1115	1223	1325
496	817	1014	1136	1224	1352
498	819	1016	1137	1232	LR502
513	826				

Judiciary

Chairperson - John C. Lindsay

32	433	660	888	968	1117
51	436	663	890	969	1129
64	450	665	891	988	1140
82	451	667	892	993	1142
120	461	677	898	996	1148
137	463	678	899	1010	1169
156	464	693	903	1011	1173
160	467	707	906	1012	1182
188	490	711	907	1013	1185
202	493	735	908	1018	1214
252	495	760	912	1023	1220
254	497	762	920	1024	1225
262	509	766	921	1026	1248
276	518	779	927	1029	1293
277	589	783	928	1035	1298
308	600	820	936	1051	1299
343	619	825	951	1052	1302
353	642	844	952	1096	1307
379	644	868	955	1106	1308
393	651	887	965	1116	1319

1326	1331	1343	1348	LR16	LR296CA
1327	1332	1344	1350	LR28CA	LR299CA
1328	1333	1345	1351	LR29CA	LR300CA
1329	1334	1346	1357	LR278CA	LR301CA
1330	1342	1347	LR2CA		

Natural Resources

Chairperson - Chris Beutler

72	482	736	963	1122	1270
79	512	737	975	1124	1271
125	524	748	981	1125	1272
132	537	751	985	1128	1277
144	553	773	986	1131	1288
148	570	860	1002	1170	1300
149	571	896	1017	1186	1349
172	574	915	1022	1187	1358
245	577	916	1030	1204	1360
359	596	940	1031	1207	LR79
385	605	941	1034	1219	LR284
391	616	949	1038	1240	LR304
422	622	953	1039	1254	LR337
480	624	958	1053	1261	LR349
481	708	962	1084	1267	

Nebraska Retirement Systems

Chairperson - Bob Wickersham

296	602	833	1068	1268	1306
366	607	893	1073	1287	1338
459	639	1036	1238	1291	1339
460	699	1047	1245		

Revenue

Chairperson - Jerome Warner

21	866	924	983	1090	1190
37	871	931	984	1092	1227
290	875	937	994	1111	1229
320	879	938	1003	1112	1231
562	880	939	1020	1113	1233
613	885	945	1033	1144	1237
653	897	959	1050	1151	1239
658	901	960	1072	1154	1242
741	902	961	1082	1159	1246
763	905	972	1083	1160	1251
786	910	976	1087	1174	1255
865	917	977	1088	1175	1257

1275	1283	1305	1362	LR21CA	LR277CA
1280	1284	1316	LR19CA	LR276CA	LR285CA
1281	1301	1336			

Transportation

Chairperson - Douglas A. Kristensen

28	309	558	918	1059	1155
80	317	584	919	1060	1156
123	342	671	926	1061	1157
153	354	673	929	1062	1158
165	358	698	943	1081	1189
173	371	749	964	1095	1202
196	394	864	982	1099	1205
197	411	869	990	1102	1218
211	414	870	1032	1104	1259
221	421	872	1040	1105	1260
227	424	873	1044	1121	1282
238	473	895	1054	1150	1317
275	474				

Urban Affairs

Chairperson - D. Paul Hartnett

85	530	722	1027	1127	1320
368	533	731	1041	1130	1321
441	628	733	1114	1188	1322
501	630	1019	1119	1221	1323
511	695	1025	1120	1294	1361

SUMMARY OF LEGISLATION

NINETY-THIRD LEGISLATURE
SECOND SESSION
1994

The following table shows the final disposition

Length 60 days

Total Number of Bills Introduced, 93rd Legislature: 1364
Total Number of Bills Introduced, 1st Session: 845
Total Number of Bills Introduced, 2nd Session: 519
Total Number of Carryover Bills, 1st Session: 343
Total Number of "A" Bills Introduced, 93rd Legislature: 137
Total Number of "A" Bills Introduced, 1st Session: 88
Total Number of "A" Bills Introduced, 2nd Session: 49
Total Number of Carryover "A" Bills: 27
Total Number of Resolutions Introduced, 93rd Legislature (including CAs): 508
Total Number of Resolutions Introduced, 1st Session: 275
Total Number of Resolutions Introduced, 2nd Session: 233
Total Number of CA Resolutions Introduced, 93rd Legislature: 33
Total Number of CA Resolutions Introduced, 1st Session: 20
Total Number of CA Resolutions Introduced, 2nd Session: 13
Total Number of Carryover Resolutions (including CAs): 17
Total Number of CA Resolutions Passed, 93rd Legislature: 5
Total Number of CA Resolutions Passed, 1st Session: 0
Total Number of CA Resolutions Passed, 2nd Session: 5
Total Number of Bills to Become Law, 1st Session: 345
Total Number of Bills to Become Law, 2nd Session: 224

Totals in parentheses include bills, "A" bills, and resolutions of each section.

Approved by Governor (214):

28	241	407	461	594	677e
72	248	408	480	608e	677Ae
76	248A	414	488	608Ae	681
76A	254e	416	490	611	683
98Ae	286e	421e	498	621	693
123	291	424	498A	630	694e
188	291A	436	501e	642	694A
202	337	441	511	642A	695
211	358e	446	513	647	718
211A	379e	451	513A	663	760
212	381	460	570	665e	819

833e	885Ae	948e	1006Ae	1106	1223e
846	886	957	1015	1107	1223Ae
847	886A	961	1017	1116	1224e
848	889	964	1019	1118	1236
849	892	967	1021	1127e	1241e
850	895	971	1022e	1129	1243e
851	899	971A	1025	1136	1244
852	900	974e	1027	1139	1250
853	900A	977	1031e	1153e	1257e
854	901e	978	1034	1160e	1275
855	902e	979e	1035e	1160Ae	1275A
856	902Ae	980	1044	1161	1287e
857	906	981e	1045	1165	1287A
858	907	981Ae	1048	1175	1290e
859	908	987	1049	1183	1292
868	913e	988e	1061e	1188	1306e
872e	915e	988Ae	1066e	1194	1306Ae
874	918	994	1068e	1207e	1310e
876e	925	1001	1071e	1210e	1311
877	929	1001A	1071Ae	1210A	1313
878e	930e	1002e	1074	1211e	1337
882	934	1004	1074A	1211Ae	1349e
883	938	1004A	1083	1222e	1354
883A	941	1005	1087e	1222A	1364e
884e	942	1006e	1088		

Line-item Vetoed (10):

695A	974A	1034A	1136A	1224A	1349A
833Ae	991e	1035A	1207Ae		

Returned by Governor Without Approval (7):

314	446A	903e	903A	1106A	1313A
436A					

Failed on Final Reading (2):

140	779

Resolution CAs Delivered to Secretary of State (5):

LR2CA	LR15CA	LR29CA	LR277CA	LR293CA

Indefinitely Postponed (705):

21	73	94A	132	150	172
32	75	95	135	153	173
37	77	96	137	156	181
51	79	99	140A	160	185
55	80	100	144	165	186
61	82	102	147	166	196
64	85	120	148	167	197
65	94	125	149	169	204

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1323	1334	1347	1359A	LR18CA	LR285CA
1324	1335	1348	1360	LR19CA	LR295CA
1325	1336	1350	1361	LR21CA	LR296CA
1326	1338	1351	1362	LR22CA	LR299CA
1326A	1339	1351A	1363	LR26CA	LR300CA
1327	1340	1352	LR4CA	LR27CA	LR301CA
1328	1341	1353	LR8CA	LR28CA	LR302CA
1329	1342	1355	LR11CA	LR276CA	LR303CA
1330	1343	1356	LR12CA	LR278CA	LR304
1331	1344	1357	LR14CA	LR279	LR497
1332	1345	1358	LR16	LR282	LR498
1333	1346	1359			

Withdrawn (2):

1092	LR280CA

Resolutions Adopted (73):

79	305	317	329	342	385
281	306	318	330	343	391
283	307	319	331	344	496
284	308	320	332	345	499
286	309	321	333	348	500
287	310	322	334	349	501
288	311	323	335	354	502
290	312	324	336	355	503
291	313	325	337	356	504
292	314	326	338	364	505
294	315	327	339	369	506
297	316	328	340	374	507
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NINETY-THIRD LEGISLATURE
SECOND SESSION
1994

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Acklie, Gene R. - Board of Public Roads Classifications and Standards 236, 262, 466, 736, 818
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Aschenbrener, Carol (M.D.) - Commission on Information Technology 110, 210, 466, 736, 817
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Bartels, Keith - Nebraska Special Education Accountability Commission 106, 210, 364, 798, 819
Beatty, Margene M. - Nebraska Special Education Accountability Commission 106, 210, 364, 798, 819
Bird, Kenneth M. - Nebraska Special Education Accountability Commission 107, 210, 364, 798, 819
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Bunger, Joyce - Nebraska Foster Care Review Board 114, 211, 371, 571, 580
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Fleming, Micheal O. - Motor Vehicle Industry
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Shannon, Michael D. - Nebraska Railway
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RESOLUTIONS, NUMERICAL
2CA Constitutional amendment to authorize the Legislature to provide for enforcement of mediation and other forms of dispute resolution.
(Landis, Ashford, Hohenstein) 58, 260, 287, 511, 555, 651, 751, 813, 953, 962, 969, 977
4CA Constitutional amendment to establish requirements for eligibility to serve as Attorney General.
(Kristensen) 58, 478
8CA Authorize Legislators to participate in employee benefit programs available to other state officials.
(Chambers, Baack, Abboud, Avery, Bernard-Stevens, Bohlke, Bromm, Coordsen, Crosby, Cudaback, Day, Dierks, Elmer, Haberman, Hall, Hartnett, Hillman, Horgan, Hudkins, Janssen, Kristensen, Lindsay, Lynch, McKenzie, Preister, Robak, Schimek, Schmitt, Vrtiska, Wesely, Wickersham, Withem) 58, 2141
11CA Constitutional amendment to establish standards for redistricting.
(Beutler) 59, 351
12CA Provide for an annual adjustment in legislators' salaries to reflect changes in cost of living.

(Baack) 63, 478

14CA Constitutional amendment to create the Nebraska Redistricting Commission.
(Horgan) 64, 351

15CA Constitutional amendment to change provisions for final passage of legislation.
(Kristensen) 68, 304, 411, 647, 727, 739, 757, 764, 860, 875, 2010, 2091, 2095, 2131, 2133, 2139

16 Memorialize Congress to authorize states to prohibit desecration of the flag.
(Coordsen, Abboud, Robinson, Crosby, Jones, Vrtiska, McKenzie, Hudkins, Hohenstein, Schmitt, Janssen, Avery, Witek, Pedersen, Fisher, Bromm, Haberman, Cudaback, Wehrbein, Dierks, Schellpeper, Elmer, Wickersham, Robak, Pirsch, Byars, Warner) 68, 2141

18CA Constitutional amendment to authorize Legislature to enact laws upon ratification by the people.
(Beutler) 69, 478

19CA Constitutional amendment to allow in lieu of tax payments for real property acquired for water supply purposes for cities.
(Bromm) 70, 747

21CA Constitutional amendment to provide that money from taxes and fees imposed on motor vehicles be used for payment of highway obligations.
(Warner, Bromm, Fisher, Pedersen, Schellpeper, Witek) 70, 2141

22CA Constitutional amendment to authorize Legislature to offer alternative measures to measures initiated by the people.
(Beutler) 71, 478

26CA Constitutional amendment to eliminate the offices of Auditor of Public Accounts and the State Treasurer.
(Crosby) 72, 351

27CA Constitutional amendment to provide no person shall exercise powers of more than one branch of government.
(Rasmussen) 74, 479

28CA Constitutional amendment to provide for disciplinary action against judges.
(Beutler) 74, 2141

29CA Constitutional amendment to prescribe that crime victims be entitled to certain basic rights.
(Pirsch, Abboud, Ashford, Beutler, Bromm, Dierks, Fisher, Haberman, Hohenstein, Horgan, Hudkins, Lindsay, Pedersen, Preister, Robak, Schimek, Schmitt, Vrtiska, Wehrbein, Will, Witek, Jones) 76, 468, 495, 500, 501, 562, 569, 594, 607, 637, 990, 1016, 1024, 1031, 1047, 1180, 1557, 1611, 1939, 1953, 2072, 2081, 2082, 2091, 2117

79 Approve gift of real estate to the Game and Parks Commission.
(Coordsen) 77, 1185, 2058
276CA Constitutional amendment to eliminate the State Board of Equalization and Assessment.
(Kristensen, Hartnett) 167, 210, 413, 475, 747
277CA Constitutional amendment to provide powers and duties for the Tax Equalization and Review Commission.
(Kristensen) 167, 210, 413, 613, 757, 826, 1750, 1842, 1928, 1942, 2072, 2076, 2091, 2117
278CA Constitutional amendment requiring the Supreme Court to give written opinion on revenue questions requested by the Legislature and Governor.
(Kristensen) 168, 210, 308, 490
279 Resolution to propose the calling of a Constitutional Convention.
(Kristensen) 171, 172, 210, 359, 966
280CA Constitutional amendment to require legislative approval of gubernatorial appointments to vacated elected state offices.
(Crosby, Hudkins, Moore, Wehrbein, Witek) 172, 210, 289, 338
281 Congratulate the Columbus Scotus Catholic High School for Class B State football championship.
(Robak) 191, 215, 248
282 Memorialize Congress to add a new article to the Constitution providing a balanced budget requirement.
(Kristensen) 191, 248, 322, 478, 2141
283 Provide Nebraska's Congressional delegation be invited to report annually to the Legislature on federal initiatives.
(Kristensen) 193, 215, 248
284 Approve gift of land from the Lester Fuhrman estate to the Game and Parks Commission.
(Robinson) 193, 206, 248, 318, 502, 510, 556
285CA Constitutional amendment to prohibit school districts and educational service units from levying a property tax.
(Jones, Coordsen, Dierks, Schellpeper, Schmitt, Elmer) 198, 248, 362, 561, 2141
286 Congratulate Coach Tom Osborne and members of the Nebraska football team for accomplishments.
(Wesely, Abboud, Ashford, Avery, Bernard-Stevens, Beutler, Bohlke, Bromm, Byars, Coordsen, Crosby, Cudaback, Day, Dierks, Elmer, Engel, Fisher, Haberman, Hall, Hartnett, Hillman, Hudkins, Janssen, Jones, Kristensen, Landis, Lindsay, Lynch, Matzke, McKenzie, Monen, Moore, Pedersen, Pirsch, Preister, Rasmussen, Robak, Robinson, Schellpeper, Schimek, Schmitt, Vrtiska, Warner, Wehrbein, Wickersham, Will, Witek, Withem) 201, 215, 248
287 Declare Falls City the Hot Air Balloon Capital of Nebraska.

(Vrtiska) 202, 215, 248
288 Express sympathy to the Joe Neal family.
(Wesely) 216, 218
289 Remove the ban on the use of styrofoam containers by Senators and staff.
(Chambers) 227, 337
290 Congratulate the community of Fullerton for awards for community improvement.
(Robak) 228, 287, 312
291 Congratulate the Johnson-Brock High School girls' volleyball team for Class C-2 state championship.
(Vrtiska) 228, 287, 312
292 Congratulate the Falls City Sacred Heart High School football team for the Class D-2 state championship.
(Vrtiska) 228, 287, 312
293CA Constitutional amendment to remove the restriction that wagering on horseraces be conducted within a licensed racetrack enclosure.
(General Affairs Committee) 258, 274, 561, 826, 843, 1751, 1845, 1885, 1929, 1946, 1984, 2008, 2096, 2112, 2116, 2118
294 Congratulate the Axtell High School volleyball team for Class D-1 state championship.
(Kristensen) 259, 287, 312
295CA Constitutional amendment to require legislative approval of gubernatorial appointments to vacated executive state offices.
(Crosby, Moore, Wehrbein,
Witek, Schimek) 299, 322, 475, 480, 656, 2141
296CA Constitutional amendment to require legislative approval of appointments to the Supreme Court and the Court of Appeals.
(Beutler) 315, 365, 664, 777
297 Encourage adoption of the United States Environmental Protection Agency's renewal oxygen standard proposal.
(McKenzie, Robak, Robinson, Moore, Bohlke,
Wehrbein) 324, 337, 370
298 Congratulate the Grand Island Central Catholic High School volleyball team for Class B state championship and the tennis team.
(Fisher) 337, 733, 751
299CA Constitutional amendment to provide parents with the right and duty to direct the upbringing of their children.
(Witek) 353, 391, 737, 2141
300CA Constitutional amendment to provide the Governor power to grant respites, reprieves, pardons, or commutations in capital cases.
(Will, at the request of the Governor) . 387, 436, 664, 2141
301CA Constitutional amendment to delete a reference that a

majority of the Board of Parole has the power to grant paroles.
(Pirsch) 428, 451, 664, 2141
302CA Constitutional amendment to authorize the Legislature to authorize and regulate gaming.
(Hall) 429, 480, 561, 2141
303CA Constitutional amendment to allow licensed racetracks to conduct a lottery.
(General Affairs Committee) 430, 480, 561, 1711, 2141
304 Request the President appoint an independent commission to review our nation's nuclear waste programs.
(Preister, Dierks) 579, 608, 2141
305 Congratulate Blair High School Football Coach Mike Lehl for years of leadership to young people.
(Robinson) 658, 733, 751
306 Congratulate Ronald D. Callan for being the 1994 winner of the Christa McAuliffe award.
(Robak) 659, 733, 751
307 Recognize Dr. Martin A. Massengale for his service to our state and university.
(Coordsen, Abboud, Ashford, Avery, Bernard-Stevens, Beutler, Bohlke, Bromm, Byars, Crosby, Cudaback, Day, Dierks, Elmer, Engel, Fisher, Haberman, Hall, Hartnett, Hillman, Hudkins, Janssen, Jones, Kristensen, Landis, Lindsay, Lynch, Matzke, McKenzie, Monen, Moore, Pedersen, Pirsch, Preister, Rasmussen, Robak, Robinson, Schellpeper, Schimek, Schmitt, Vrtiska, Warner, Wehrbein, Wesely, Wickersham, Will,
Witek, Withem) 668, 729, 733, 751
308 Congratulate Chad Fleischer for being selected to the United States Olympic Ski Team.
(Robak) 690, 733, 751
309 Congratulate the University of Nebraska on its 125th anniversary.
(Wesely, Bohlke, Abboud, Ashford, Bernard-Stevens, Beutler, Byars, Coordsen, Crosby, Cudaback, Day, Dierks, Engel, Haberman, Hall, Hartnett, Hillman, Hudkins, Janssen, Jones, Kristensen, Landis, Lindsay, Matzke, McKenzie, Moore, Pedersen, Pirsch, Preister, Rasmussen, Robak, Robinson, Schmitt, Vrtiska, Warner, Wickersham, Will, Witek, Schimek, Wehrbein,
Withem) 706, 729, 733, 751
310 Designate June 12-18, 1994, as Nebraska Old Vehicle Hobby Interest Recognition Week.
(Witek) 708, 733, 751
311 Recognize the development of the Prairie Peace Park.
(Crosby, Landis) 726, 733, 751
312 Congratulate Dr. Lee Guyton Simmons, Jr. on his receipt of the Wagonmaster Award.

(Withem, Ashford, Preister, Hall, Lindsay, Lynch, Rasmussen, Will, Pedersen, Pirsch, Hartnett, Abboud, Witek, Monen) 760, 787, 820

313 Congratulate Dr. Robert Manley on his receipt of the Pioneer Award.
(Withem, Wickersham, Hillman, Matzke) 760, 787, 820

314 Congratulate Peter G. Peterson on his receipt of the Distinguished NEBRASKAlander Award.
(Withem, Kristensen, Cudaback) 761, 787, 820

315 Congratulate Virgil R. Eihusen on his receipt of the Wagonmaster Award.
(Withem, Fisher, McKenzie, Bohlke) 761, 787, 820

316 Congratulate R.L. (Bob) Boozer on his receipt of the Trailblazer Award.
(Withem, Lindsay, Hall, Lynch, Rasmussen, Preister, Ashford, Will, Pedersen, Pirsch, Hartnett, Abboud, Witek, Chambers, Monen) 762, 787, 820

317 Congratulate Alice Dittman on her receipt of the Pioneer Award.
(Withem, Schimek, Hudkins, Wesely, Warner, Crosby, Beutler, Landis) 763, 787, 820

318 Recognize Callaway, Nebraska, as the Kite Fly Capital of Nebraska.
(Jones) 783, 876, 902

319 Encourage Congress to consider an amendment to the U.S. Constitution prohibiting desecration of the flag.
(Coordsen, Avery, Schellpeper, Pirsch, Hudkins, Pedersen, Robinson, Schmitt, Wehrbein, Vrtiska, Moore, Fisher, Wickersham, Abboud, Warner, Cudaback, Robak, Elmer, Haberman, Matzke, McKenzie, Crosby, Janssen, Dierks, Byars, Witek, Jones, Hartnett, Bromm 825, 889, 892, 907, 910, 912, 916, 920, 931, 948, 963

320 Express sympathy to the family of Ray Wilson.
(Byars, Wesely, Chambers, Haberman, Pirsch, Beutler, Landis, Warner) 850, 876, 902

321 Urge the Appropriations Committees of the U.S. House and Senate to appropriate funds for completion of the Twin Loups Project.
(Schmitt, Robak, Jones, McKenzie) 888, 931, 950, 967

322 Congratulate the David City Aquinas High School wrestling team for Class C State Championship.
(Bromm) 928, 950, 967

323 Express sympathy to the Bill Bowlin family.
(Moore, Wesely) 941, 950, 962

324 Congratulate Jason Held for all-class state wrestling record.
(Robak) 948, 1059, 1071

325 Encourage school boards to recognize Martin Luther King, Jr.'s birthday as a school holiday.

(Hall, Chambers) 972, 1060, 1071
326 Congratulate Mark Knobel for being named 1994 Outstanding Young Farmer.
(Coordsen) 1020, 1060, 1071
327 Congratulate the Deshler High School girls' basketball team for Class C-2 state championship.
(Coordsen) 1021, 1060, 1071
328 Express sympathy to the family of Robert Spire.
(Schimek, Abboud, Ashford, Avery, Bernard-Stevens, Beutler, Bohlke, Byars, Chambers, Coordsen, Cudaback, Day, Dierks, Elmer, Engel, Fisher, Hartnett, Hillman, Hudkins, Janssen, Jones, Landis, Lindsay, Lynch, Matzke, McKenzie, Monen, Moore, Pedersen, Pirsch, Preister, Rasmussen, Robinson, Schellpeper, Schmitt, Vrtiska, Warner, Wehrbein, Wesely, Wickersham, Will, Witek, Withem) 1028, 1060, 1071
329 Congratulate the Chambers girls' basketball team for Class D-1 state championship.
(Dierks) 1029, 1060, 1071
330 Congratulate the Newcastle High School girls' basketball team for Class D-2 state championship.
(Schellpeper) 1030, 1182, 1202
331 Recognize National Agriculture Week.
(Dierks, Elmer, Hudkins, Haberman, Coordsen, Vrtiska, Cudaback, Schellpeper, Jones) 1036, 1182, 1202
332 Congratulate the Southeast High School girls' basketball team for Class A state championship.
(Crosby, Beutler, Schimek) 1075, 1182, 1202
333 Extend good luck wishes to the Western Nebraska Community College basketball team.
(Hillman, Wickersham, Matzke) 1121, 1182, 1202
334 Congratulate Nicole Talbot and other students who were winners in the Nebraska postcard art contest.
(Bernard-Stevens) 1121, 1182, 1202
335 Congratulate the Nebraska Water Resources Association on serving the citizens of Nebraska for fifty years.
(Crosby) 1132, 1182, 1202
336 Congratulate the Sandy Creek High School boys' basketball team for Class C-1 state championship.
(McKenzie) 1185, 1241, 1250
337 Approve gift of land from Hardin Farms to the Game and Parks Commission.
(Beutler) 1187, 1193, 1213, 1661, 2058, 2089, 2091
338 Congratulate the Omaha Creighton Prep boys' basketball team for Class A state championship.
(Ashford, Lindsay, Hartnett, Abboud, Pirsch, Monen, Lynch, Witek, Pedersen) 1188, 1241, 1250
339 Congratulate the Nebraska Cornhusker mens' basketball team for the Big Eight tournament championship.

(Abboud, Moore, Kristensen, Bromm, Monen, Hall, Withem, Will, Wesely, Pedersen) 1192, 1241, 1250

340 Congratulate the Schuyler High School girls' basketball team for Class B state championship.
(Bromm) 1200, 1242, 1250

341 Interim study to analyze jurisdictional issues relating to suburban development in Nebraska with emphasis on the Omaha metropolitan area.
(Pedersen) 1217, 1914

342 Congratulate the Sterling High School boys' basketball team for Class C-2 state championship.
(Vrtiska) 1217, 1242, 1250

343 Congratulate the Odell High School boys' basketball team for Class D-2 state championship.
(Vrtiska, Byars) 1218, 1242, 1250

344 Congratulate the Wahoo High School boys' basketball team for Class B state championship.
(Bromm) 1225, 1336, 1395

345 Commemorate the fifty year anniversary of the activation of airfields during World War II.
(Coordsen, Elmer, Fisher, Beutler, Wickersham, Hudkins, Crosby, McKenzie, Janssen, Jones, Cudaback, Dierks, Bernard-Stevens, Kristensen) 1226, 1336, 1395

346 Interim study to determine whether Nebraska should enact the Uniform Health Care Decisions Act.
(Landis) 1309, 1914

347 Interim study to determine whether Nebraska should enact the latest version of the Uniform Anatomical Gift Act.
(Landis) 1310, 1915

348 Congratulate the Humphrey St. Francis High School boys' basketball team for Class D-1 state championship.
(Robak) 1320, 1336, 1395

349 Urge Congress to amend the Safe Water Drinking Act to permit public water supply systems to focus on issues which threaten public health.
(Beutler) .. 1345, 1346, 1420, 1421, 1945, 2058, 2089-2091

350 Interim study to determine what legislation should be developed to promote the national information superhighway.
(Landis) 1346, 1915

351 Interim study to determine whether competition among local exchange carriers should be encouraged by further deregulation to enhance service for telephone subscribers.
(Landis) 1346, 1915

352 Interim study of effect of Laws 1986, LB 835 (telecommunications deregulation), on access charges in Nebraska.
(Landis) 1347, 1915

353 Interim study of the state's present transportation system.

(Landis, Bromm) 1347, 1724, 1915
354 Express sympathy to the family of Betty Warner.
(Wesely, Abboud, Ashford, Avery, Bernard-Stevens, Beutler, Bohlke, Bromm, Byars, Chambers, Coordsen, Crosby, Cudaback, Day, Dierks, Elmer, Engel, Fisher, Haberman, Hall, Hartnett, Hillman, Hudkins, Janssen, Jones, Kristensen, Landis, Lindsay, Lynch, Matzke, McKenzie, Monen, Moore, Pedersen, Pirsch, Preister, Rasmussen, Robinson, Schellpeper, Schimek, Schmitt, Vrtiska, Wehrbein, Wickersham,
Will, Witek, Withem) 1371, 1429, 1458
355 Express sympathy to the family of Rolland Kreutz.
(McKenzie) 1390, 1458, 1514
356 Recognize Omaha Northwest High School for achieving national recognition.
(Pirsch) 1391, 1458, 1514
357 Interim study to determine whether Nebraska should join a compact to enhance the system for resolution of insurance companies in hazardous financial condition.
(Landis, Abboud) 1391, 1915
358 Interim study to consider updating Nebraska law regarding credit life and credit health and accident insurance.
(Landis) 1392, 1915
359 Interim study to determine whether Nebraska should enact the Model Business Corporation Act.
(Landis, Kristensen) 1392, 1915
360 Interim study to determine whether Nebraska should enact the updated version of the Uniform Partnership Act.
(Landis) 1392, 1915
361 Interim study to determine whether Nebraska should enact revisions in its version of the Nebraska Uniform Limited Partnership Act.
(Landis) 1393, 1915
362 Interim study to determine whether Nebraska should enact revisions in Article 8 (investment securities) of the Uniform Commercial Code.
(Landis) 1393, 1915
363 Interim study to determine whether Nebraska should provide for increased regulation of mortgage loan servicing.
(Landis, Lynch) 1393, 1916
364 Congratulate Katherine Hegemann on receiving the High School Amateur Athletic Union-Mars Milky Way All-American Award.
(Robak) 1394, 1458, 1514
365 Interim study of the availability of animal damage control services for control of predators and disease.
(Dierks, Cudaback, Elmer,
Schellpeper, Vrtiska) 1417, 1916
366 Interim study of long-term policy recommendations of the

Nebraska Aquaculture Board and assignment of water-use priorities.
(Dierks, Cudaback, Bernard-Stevens, Beutler) ... 1418, 1916

367 Interim study to compare agricultural tax policies of other states.
(Dierks, Coordsen, Cudaback, Elmer, Schellpeper, Vrtiska, Jones) 1418, 1916

368 Interim study of retail liquor regulation.
(Schellpeper, Elmer, Haberman, Cudaback, Hartnett, Robinson, Hudkins) 1433, 1916

369 Request Congress accelerate the process of developing and approving the national highway system.
(Kristensen) 1434, 1579

370 Interim study to examine need to develop a financing package for the construction of a new veterans home in Norfolk.
(Day) 1435, 1916

371 Interim study of the issue of drinking water contamination.
(Dierks, Beutler, Preister, Wesely, Elmer, Cudaback, Hudkins) 1444, 1916

372 Interim study of possibility of modifying statutes relating to criminal history record information.
(Robak) 1468, 1916

373 Interim study to reestablish the task force created by LB 405, Laws 1992, relating to mental health services.
(Robak) 1469, 1916

374 Recognize the week of March 30 through April 5, 1994, as Armed Services Vocational Aptitude Battery Career Exploration Program Week.
(Fisher) 1469, 1579

375 Interim study to examine the criminal verdict of "guilty except insane" for inclusion in the Nebraska Criminal Code.
(Robak) 1483, 1916

376 Interim study relating to enforcement of game and wildlife laws on lands within tribal reservation boundaries.
(Vrtiska, Schimek, Robinson, Engel) 1483, 1916

377 Interim study of fiscal problems facing Nebraska's regional youth detention centers.
(Hillman, Bernard-Stevens, Wickersham) 1498, 1916

378 Interim study to continue examination of the amount of building projects planned for state-owned buildings.
(Lynch, Coordsen, Janssen, Cudaback, Vrtiska) 1525, 1916

379 Interim study to examine factors contributing to the escalating costs of workers' compensation insurance.
(Business and Labor Committee) 1538, 1917

380 Interim study to analyze procedures, costs, and issues relating to the Commission of Industrial Relations.

(Business and Labor Committee) 1538, 1917
381 Interim study to examine implementing cost of living adjustment for the retirement systems.
(Wickersham, Day, Fisher, Crosby, Lynch, Robak, Moore) 1539, 1917
382 Interim study to evaluate recommendations of a buy-back report as part of a comprehensive study of the retirement systems.
(Wickersham, Day, Fisher, Crosby, Lynch, Robak, Moore) 1539, 1917
383 Interim study to authorize completion of the comprehensive study of the public employees retirement systems.
(Wickersham, Day, Fisher, Crosby, Lynch, Robak, Moore) 1540, 1917
384 Interim study of circuit-breaker legislation which targets property tax relief.
(Dierks, Wickersham) 1540, 1917
385 Recognize the week of April 25-30, as Nebraska Heritage Week.
(Lindsay, Ashford) 1541, 2059, 2096
386 Interim study of the motor vehicle titling program.
(Schmitt) 1541, 1917
387 Interim study of the county veterans' service officers system and the method by which salaries are determined.
(Schmitt, Schimek) 1542, 1917
388 Interim study to examine methods of improving the financial viability of horseracing in Nebraska.
(General Affairs Committee) 1542, 1917
389 Interim study to examine the effect of gaming activities in surrounding states on activities conducted in Nebraska.
(General Affairs Committee) 1543, 1917
390 Interim study to examine governance of, funding for, and access to public library services.
(General Affairs Committee) 1544, 1917
391 Encourage the Department of Administrative Services to continue the existence of the State Capitol newsstand.
(Pedersen, Withem, Moore, Witek, Byars, Dierks, Jones, Bohlke, Hudkins, Warner, Schmitt, Janssen, Wehrbein, Wesely, Crosby, Robinson, Vrtiska, Elmer, Schimek, Kristensen, Abboud, Hartnett, Day, Coordsen, Wickersham, Engel, Fisher, Lynch, Matzke, Cudaback, Monen, Rasmussen, Preister, Avery, Ashford) 1544, 2058, 2096
392 Interim study to examine need for provisions addressing the ethical considerations of elected and appointed officials at the political subdivision level.
(Government, Military and Veterans Affairs Committee) 1553, 1917
393 Interim study to examine need for provisions addressing

ethical considerations of elected and appointed officials within the executive branch.
(Government, Military and
Veterans Affairs Committee) 1554, 1918

394 Interim study of the committee structure of the Nebraska Legislature.
(Will) 1554, 1918

395 Interim study of overlapping federal, state, and local regulations with respect to asbestos removal.
(Will) 1555, 1918

396 Interim study to examine the county government organizational and financial structure.
(Janssen, Haberman, Witek, Pirsch, Schimek, Cudaback,
Schmitt, Robinson) 1555, 1918

397 Interim study to examine the possible statutory requirement that students between 7th and 12th grades receive instruction in Nebraska history.
(Ashford) 1567, 1918

398 Interim study of proposed modifications of the Tax Equity and Educational Opportunities Support Act.
(Bohlke, Wickersham) 1567, 1918

399 Interim study of the roles of the state and school districts in establishing outcome standards for student achievement.
(Bohlke) 1568, 1918

400 Interim study of the impact of the enrollment option program.
(Bohlke) 1568, 1918

401 Interim study of the need for requiring that teacher preparation programs include coursework in Nebraska history.
(Bohlke) 1569, 1918

402 Interim study of school districts contracting for educational services.
(Bohlke) 1569, 1918

403 Interim study of funding strategies to support early childhood education programs operating through public schools.
(Bohlke) 1570, 1918

404 Interim study of the practices of school districts in admission of nonresident students.
(Bohlke) 1570, 1918

405 Interim study of requirements for the provision of transportation or a transportation allowance to students.
(Bohlke) 1571, 1919

406 Interim study to cause an evaluation of the impacts of centralization of state government offices on different geographic regions in the state.
(Wickersham) 1592, 1919

407 Interim study of the state correctional system.

(Kristensen) 1593, 1919
408 Interim study to examine the process for making teachers state employees.
(Kristensen) 1593, 1919
409 Interim study of property taxation in Nebraska.
(Kristensen) 1593, 1919
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497 Condemn the violence in KwaZulu, South Africa and encourage a peaceful resolution.
(Haberman) 1789, 1790, 1816

498 Encourage democratic processes for all nations and that South African elections can be held peacefully.
(Haberman) 1790, 1816

499 Designate the week of April 24 to April 30, 1994, as Nebraska Crime Victims' Rights Week.
(Pirsch) 1790, 2059, 2096

500 Congratulate the Marian High School girls' basketball team for their excellent performance this season.

(Pirsch) 1791, 2059, 2096
501 Congratulate the Nebraska Coalition for Victims of Crime on observance of its tenth anniversary.
(Pirsch) 1791, 2059, 2096
502 Affirm certain principles as a guide for health care policy in Nebraska.
(Wesely) 1804, 1806, 1816, 2091, 2138, 2142
503 Extend appreciation to the Nebraska Cable Operators Association for their generosity for the wiring infrastructure for the Capitol building closed circuit system.
(Hall) 1836, 2059, 2096
504 Recognize the importance of the Central Nebraska D.A.R.E. Day.
(McKenzie) 1868, 2059, 2096
505 Extend sympathy to the family of A.L. Zink.
(Robinson, Bromm) 1883, 2059, 2096
506 Declare the week of June 6, 1994, as "Management Week" in Nebraska.
(Preister) 1891, 2059, 2096
507 Support the continued outstanding efforts of the childcare providers of Nebraska.
(Pirsch, Robinson, Elmer, Witek, Bernard-Stevens, Moore, Janssen, Coordsen, Byars, Rasmussen, Jones, Dierks, Bohlke, Crosby, Preister, Fisher, Schellpeper, Avery, Engel, Monen, Haberman, Hall, Beutler, Matzke, Ashford, Wesely, Will, Abboud, Hartnett, McKenzie, Vrtiska, Wehrbein, Pedersen, Schmitt, Lynch, Robak, Hudkins, Schimek, Cudaback, Bromm, Day, Hillman) 1904, 2059, 2096
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Compiled by

Patrick J. O'Donnell
Clerk of the Legislature

Carol Koranda, Index Clerk

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Publication of persons in arrears in making child support payments: provide (Hohenstein, Witek, Pedersen)..... 308
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29-2262	A	1142
29-2262	A	1351
29-2262.03	A	1327
29-2262.05	R	1327
29-2264	A	783
29-2266	A	762
29-2269	A	1142
29-2269	A	1327
29-2282	A	651
29-2290	A	693
29-2308.01	R	1351
29-2315.01	A	762
29-2315.02	A	1334
29-2316	A	762
29-2317	A	762
29-2317	A	1173
29-2318	A	1334
29-2319	A	1173
29-2320	A	762
29-2321	A	762
29-2407	A	651
29-2519	R	651
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29-2524.01	A	762
29-2525	A	1351
29-2527	R	651
29-2528	R	651
29-2528	A	1351
29-2532	A	600
to 29-2546		
29-2532	R	651
to 29-2546		
29-2706	A	762
29-2709	A	762
29-2801	A	651
29-2811	R	651
29-2812	A	890
29-3001	A	762
29-3001	A	1351
29-3002	A	1351
29-3004	A	678
29-3004	A	1334
29-3101	A	762
29-3103	A	762
29-3205	A	651
29-3501	A	993
to 29-3503		
29-3506	A	965
29-3507	A	965
29-3508	A	993
29-3511	A	965
29-3512	A	993
29-3516	A	965
29-3516	A	993
29-3518	A	993
29-3521	A	965
29-3523	A	965
29-3524	A	993
to 29-3528		
29-3602	A	762
29-3604	A	779
29-3701	A	518
to 29-3703		
29-3705	A	762
29-3901	A	1334
29-3902	A	1334
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29-3913	A	76
29-3913	A	428
29-3914	A	1334
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29-3918	A	1334
30-809	A	921
30-810	A	921
30-2201	A	497
30-2220	A	497
30-2220	A	1345
30-2222	A	1076
30-2313	A	1116
30-2316	A	202
30-2414	A	1076
30-2487	A	1076
30-24,125	A	1076
30-2601.01	R	1345
30-2608	A	1318
30-2619	A	497
30-2619	A	1334
30-2619	A	1345
30-2620	A	497
30-2620	A	1345
30-2620.01	A	497
30-2620.01	A	1345
30-2625	A	497
30-2625	A	1334
30-2625	A	1345
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30-2626	A	497
30-2626	A	1334
30-2627	A	497
30-2628	A	497
30-2630	A	497
30-2630	A	1345
30-2630.01	A	1334
30-2630.01	R	1345
30-2633	A	497
30-2633	A	1345
30-2634	A	497

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30-2634	A	1345
30-2636	A	497
30-2636	A	1334
30-2636	A	1345
30-2637	A	497
30-2637	A	1345
30-2639	A	497
30-2639	A	1345
30-2641	A	467
30-2643	A	497
30-2643	A	1345
30-2717	A	884
30-2818	A	51
30-3214	A	1042
31-329	A	1173
31-705	A	1323
31-707	A	1323
31-711.05	A	1020
31-727	A	501
31-727	A	1203
31-733	A	1323
31-735.03	A	76
31-735.03	A	428
31-740	A	501
31-740	A	1203
31-744	A	501
31-744	A	1203
31-753	A	1020
31-766	A	1221
32-101 to 32-114	R	76
32-101 to 32-114	R	428
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32-116	R	428
32-117	R	76
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32-119 to 32-121	R	428
32-201 to 32-205	R	76
32-201 to 32-205	R	428
32-207 to 32-211	R	76
32-207 to 32-211	R	428
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32-210.01	R	428
32-212	R	76
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32-216	A	169
32-216	A	1143
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32-224	A	1143
32-224.01	A	169
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32-265	A	1143
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32-303	R	428
32-304	R	76
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32-304.01	R	428
32-305	R	76
32-305	R	428
32-307	R	76
32-307	R	428
32-307	A	1273
32-308	R	76
32-308	R	428
32-308	A	1273
32-309	R	76
32-309	R	428
32-310	R	76
32-310	R	428
32-310	A	1273
32-312	R	76
32-312	R	428
32-315	R	76
32-315	R	428
32-315	A	1273
32-316	R	76
32-316	R	428
32-316	A	1273
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32-403	R	76
32-403	R	428
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32-404 to 32-419	R	428
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32-420.01	R	428
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32-420.02	R	428
32-421.01	R	76
32-421.01	R	428
32-422.01	R	76
32-422.01	R	428
32-424	R	76
32-424	R	428
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32-426	R	76
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32-428.07 to 32-430.01	R	428
32-432 to 32-438	R	76
32-432 to 32-438	R	428
32-432	A	1093
32-439 to 32-444	R	76
32-439 to 32-444	R	428
32-445.01	R	76
32-445.01	R	428
32-448	R	76
32-448	R	428
32-450	R	76
32-450	R	428
32-450.01	R	76
32-450.01	R	428
32-451	R	76
32-451	R	428
32-452	R	76
32-452	R	428
32-454	R	76
32-454	R	428
32-455	R	76
32-455	R	428
32-456	R	76
32-456	R	428
32-457	R	76
32-457	R	428
32-458	R	76
32-458	R	428
32-460	R	76
32-460	R	428
32-461	R	76
32-461	R	428
32-463	R	76
32-463	R	428
32-464	R	76
32-464	R	428
32-465 to 32-471	R	76
32-465 to 32-471	R	428
32-471	A	1143
32-473 to 32-478	R	76
32-473 to 32-478	R	428
32-479.01 to 32-482	R	76
32-479.01 to 32-482	R	428
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32-499	R	428
32-499.01	R	76
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32-513	R	76
32-513	R	428
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32-513.01 to 32-516	R	428
32-517	R	76
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32-519 to 32-522	R	76
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32-524 to 32-526.02	R	428
32-528 to 32-530.01	R	76
32-528 to 32-530.01	R	428
32-532	R	76
32-532	R	428
32-534	R	76
32-534	R	428
32-535	R	76
32-535	R	428
32-535	A	1273
32-537	R	76
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32-537	A	706
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32-542	R	76
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32-542.02	R	428
32-542.03	R	76
32-542.03	R	428
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32-545 to 32-547	R	428
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32-548	A	166
32-548	A	233
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32-549 to 32-552	R	76
32-549 to 32-552	R	428
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32-702	R	76
32-702	R	428
32-702	A	706
32-703	R	76
32-703	R	428
32-703	A	706
32-703.01	R	76
32-703.01	R	428
32-703.01	A	706
32-704	R	76
32-704	R	428
32-704	A	706
32-704.01	R	76
32-704.01	R	428
32-704.01	A	706
32-704.02	R	76
32-704.02	R	428
32-704.02	A	706
32-705	R	76
32-705	A	398
32-705	R	428
32-705	A	706
32-705.01	R	76
32-705.01	R	428
32-705.01	A	706
32-706	R	76
32-706	R	428
32-706	R	706
32-707	R	76
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32-707.01 to 32-708	R	428
32-708	A	706
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32-709	R	428
32-709	R	706
32-710	R	76
32-710	R	428
32-710	A	706
32-711	R	76
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32-711	A	706
32-712	R	76
32-712	R	428
32-712	A	706
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32-714	A	706
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32-830	A	1143
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32-1001	R	76
32-1001	R	428
32-1001.03 to 32-1001.05	R	76
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32-1001.31	A	1309
32-1001.32 to 32-1002	R	76
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32-1037	R	76
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32-1037	R	428
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32-1401 to 32-1409	R	76
32-1401 to 32-1409	R	428
32-1403	A	398
32-1403	A	762
32-1403	A	1252
32-1501 to 32-1503	R	76
32-1501 to 32-1503	R	428
32-1603	A	1133
32-1603	A	1135
32-1603	A	1171
32-1604	A	428
32-1604	A	1133
32-1604	A	1135
32-1604	A	1171
32-1605	A	428
32-1605	A	1133
32-1605	A	1135
32-1605	A	1171
32-1606 to 32-1608	A	1133
32-1606	A	1135
32-1606	A	1171
32-1608	A	1135
32-1610	A	1003
32-1610	A	1066
32-1610	A	1133
33-101	A	1004
33-102	A	1004
33-106	A	1173
33-106	A	1334
33-106.02	A	1334
33-106.04	A	1334
33-110	A	1000
33-123	A	1334
33-126.02	A	1334
33-133	A	1004
33-150	A	314
33-150	A	338
33-150	A	1296
33-151	A	314
34-106	A	882
34-107	A	882
34-108	A	882
34-110	A	882
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35-509	A	1291
35-527	A	407
36-213	A	1224
37-101	A	132
37-101	A	245
37-101	A	884
37-101	A	1165
37-102	A	125
37-102	A	245
37-102	A	385
37-102	A	953
37-102	A	958
37-111	A	1165
37-201	A	622
37-202.01	A	622
37-203	A	622
37-204	A	622
37-204.01	A	622
37-206	A	890
37-206	A	1066
37-207	A	385
37-211	A	622
37-211.01	A	622
37-213	A	622
37-214.03	A	622
37-214.04	A	622
37-215	A	622
37-215.03	A	622
37-215.03	A	860
37-216.01	A	622
37-216.03	A	385
37-216.07	A	890
37-216.07	A	953
37-216.07	A	958
37-217.01	A	622
37-227	A	622
37-227	A	773
37-233	A	622
37-304.01	A	1165
37-304.02	A	622
37-413	A	596
37-420	A	596
37-439	A	1066
37-501	A	949
37-501.01	A	949
37-502	A	622
37-503	A	622
37-503	A	1165
37-505	A	622
37-505	A	773
37-505	A	1165
37-507.01	A	1165
37-511	A	1165
37-513	A	949
37-530	A	125
37-532	A	125
37-533	A	125
37-601	A	762
37-609	A	1165
37-702	A	1165
37-703	A	622
37-703	A	773
37-703	A	1165
37-704	A	770
37-704	R	1165
37-705	A	770
37-705	A	1165
37-706	A	770
37-706	A	949
37-706	A	1165
37-707	A	1165
37-708	R	1165
37-709	R	1165
37-710	R	1165
37-711	A	1165
37-713 to 37-715	A	770
37-714	A	622
37-715	A	622
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37-903	A	949
37-905	A	622
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37-908	A	622
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37-910	A	949
37-1103	A	1254
37-1105	A	622
37-1108	A	622
37-1113	A	890
37-1204	A	123
37-1211	A	1053
37-1212	A	622
37-1214	A	622
37-1214	A	1053
37-1217	A	123
37-1217	A	622
37-1227	A	622
37-1238	A	359
37-1241	A	359
37-1254.01	A	80
37-1254.02	A	80
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37-1254.06	A	80
37-1254.08	A	80
37-1259	A	359
37-1274	A	359
37-1503	A	1039
37-1503	A	1066
37-1507	A	846
39-304	A	890
39-602	A	173
39-602	A	238
39-653	A	227
39-669.07	A	80
39-669.07	A	473
39-669.07	A	671
39-669.08	A	473
39-669.08	A	671
39-669.16	A	671
39-669.22	A	671
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39-671	A	673
39-683	A	570

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39-6,106.01	A	411
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39-6,122	A	206
39-6,122	A	671
39-6,122	A	698
39-6,124	A	371
39-6,134	A	238
39-6,139	A	227
39-6,141	A	227
39-6,177	A	153
39-6,180.02	A	673
39-6,190	A	570
39-6,192	A	28
39-707	A	762
39-1001	A	847
39-1005	A	847
39-1006	A	847
39-1008	A	847
39-1320.01	A	848
39-1320.06	A	848
39-1320.08	A	848
39-1320.10	A	848
39-1320.11	A	848
39-1353	A	1040
39-1405	A	501
39-1522	A	997
39-1606	A	76
39-1606	A	428
39-1615	A	1020
39-1647	A	1020
39-1813	A	762
39-2215	A	1066
39-2215	A	1160
39-2215.01	A	1066
39-2215.01	A	1160
39-2216	A	1160
39-2507	A	221
39-2513	A	1127
39-2517	A	1127
40-105	A	463
40-107	A	463
40-108	A	463
40-111	A	463
40-115	A	760
42-347	A	644
42-347	A	1224
42-358	A	762
42-358	A	1224
42-358	A	1334
42-358.02	A	308
42-358.02	A	762
42-358.08	A	762
42-358.08	A	1224
42-364	A	450
42-364	A	490
42-364	A	644
42-364	A	1334
42-364.02	A	762
42-364.13	A	711
42-364.15	A	644
42-364.16	A	1224
42-368	A	160
42-371	A	1224
42-372	A	735
42-748	A	1224
42-763	A	711
42-773	A	711
42-779	A	711
42-799	A	711
42-901	A	1000
42-917	A	1213
43-102	A	1318
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43-105	A	1334
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43-146.03	A	1137
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43-247	A	393
43-247	A	891
43-247	A	1332
43-247	A	1351
43-250	A	762
43-252	A	988
43-252	R	1351
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43-254	A	1332
43-258	A	988
43-261	A	762
43-272	A	762
43-272	A	1334
43-274	A	762
43-274	A	891
43-276	A	762
43-278	A	393
43-278	A	891
43-278	A	1140
43-279	A	1351
43-279.01	A	1334
43-281	A	436
43-285	A	762
43-286	A	988
43-287	A	988
43-287.01	A	1106
43-287.01	A	1173
43-287.05	A	393
43-287.05	A	1173
43-289	A	1332
43-290	A	762
43-292	A	762
43-295	A	393
43-299	A	988
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43-2,105	A	762
43-2,105	A	1023
43-2,105	A	1351
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43-2,129	A	891
43-2,129	A	1023
43-2,129	A	1106
43-2,129	A	1173
43-2,129	A	1248
43-2,129	A	1332
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43-512	A	1224
43-512.01	A	762
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43-512.05	A	762
43-512.06	A	1224
43-512.08	A	762
43-512.08	A	1224
43-512.12	A	160
43-512.12	A	762
43-512.13	A	762
43-512.14	A	160
43-512.15	A	160
43-512.15	A	762
43-512.16	A	762
43-512.17	A	160
43-512.17	A	762
43-701	A	825
43-801	A	1342
43-906	A	1318
43-1202	A	1318
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43-1320	A	1066
43-1401	A	1224
43-1406	A	762
43-1406	A	1224
43-1406	A	1334
43-1409	A	1224
43-1411	A	1224
43-1411	A	1318
43-1412	A	1224
43-1412	A	1334
43-1414	A	1224
43-1415	A	1224
43-1416	A	1224
43-1505	A	1334
43-1612	A	1334
43-1704	A	1224
43-1708	A	711
43-1711	A	711
43-1712	A	711
43-1719	A	762
43-1720	A	711
43-1720	A	762
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45-623	A	1026
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46-1101	A	1030
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46-1111	A	1030
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46-1131	A	1030
46-1136	A	1030
46-1137	A	1030
46-1138	A	762
46-1138	A	1030
46-1143	A	1030
46-1147	A	1030
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48-601	A	1337
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48-604	A	1172
48-604	A	1337
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48-628	A	753
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48-649	A	1337
48-650	A	1337
48-651	A	1337
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48-818	A	911
48-1008	A	1152
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48-1102	A	395
48-1102	A	640
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48-1119	A	1152
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48-1125	A	242
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48-1203	A	1315
48-1205	A	1315
48-1206	A	762
48-1206	A	1315
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48-1208	A	1315
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48-1902	A	859
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49-206	A	428
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49-214	A	76
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49-1433	A	947
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49-1482	A	637
49-1483	A	637
49-1483	A	944
49-1483.02	A	428
49-1483.02	A	637
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49-1484	A	637
49-1485	A	637
49-1486	A	637
49-1488	A	637
49-1488.01	A	428
49-1488.01	A	637
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49-1490	A	944
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49-1494	A	428
49-1495	A	428
49-1496	A	428
49-1499	A	428
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49-14,101	A	1243
49-14,103.01	A	762
49-14,103.01	A	1107
49-14,105	A	428
49-14,106	A	428
49-14,107	A	428
49-14,108	A	428
49-14,109	A	428
49-14,111	A	428
49-14,112	A	428
49-14,114	A	428
49-14,115	A	428
49-14,117	A	428
49-14,118	A	428
49-14,119	A	428
49-14,120	A	428
49-14,121	A	428
49-14,121	A	762
49-14,122	A	428
49-14,123	A	428
49-14,123	A	637
49-14,123	A	762
49-14,123	A	1133
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49-14,139	A	428
49-14,140	A	428
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51-201.01	R	997
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53-101.01	A	1085
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53-122	A	76
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53-124.11	A	1167
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54-761	A	884
54-796	A	762
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54-857	A	147
54-861	A	762
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54-1603	A	884
54-1802	A	884
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55-120	A	1203
55-480	A	651
57-919	A	1066
59-507	A	762
59-812	A	884
59-814	A	884
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60-106	A	982
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60-311	A	1066
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60-480	A	196
60-480	A	309
60-480	A	411
60-482	A	1061
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60-484	A	309
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60-4,113	A	584
60-4,114	A	211
60-4,114	A	309
60-4,115	A	827
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60-4,124	A	926
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60-4,126	A	411
60-4,127	A	309
60-4,129	A	1282
60-4,130	A	1143
60-4,130.02	A	1143
60-4,142	A	411
60-4,144	A	1143
60-4,146	A	211
60-4,181	A	197
60-4,181	A	1143
60-4,184	A	1061
60-507	A	1061
60-509.01	R	1074
to 60-509.03		
60-528	A	342
60-528	A	1102
60-533	A	342
60-569	A	342
60-570	R	342
60-570	R	1102
60-571	A	1074
to 60-573		
60-574	A	1074
60-575	A	1074
to 60-577		
60-578	A	1074
60-579	A	1074
to 60-582		
60-601	A	864
60-601	A	1054
60-605	A	864
60-696	A	929
60-6,164	A	1203
60-6,188	A	990
60-6,206	A	1282
60-6,209	A	1121
60-6,247	A	884
60-6,291	A	884
60-6,294	A	864
60-6,294	A	1157
60-6,294	A	1158
60-6,298	A	1059
60-6,298	A	1105
60-6,298	A	1155
60-6,298	A	1156
60-6,298	A	1158
60-6,303	A	864
60-1006	A	552
60-1301	A	28
60-1303	A	28
60-1303	A	1066
60-1306	A	28
60-1309	R	28
60-1403	A	850
60-1403.01	A	411
60-1411.02	A	884
60-1513	A	1066
60-1514	A	1066
60-1515	A	1224
60-1901	A	673
to 60-1903		
60-2132	A	1066
60-2603	A	919
61-102	A	892
64-104	A	1004
66-482	A	1062
66-482	A	1160
66-483	A	1160
66-484	A	1160
66-485	A	1160
66-486	A	1160
66-487	A	1160
66-488	A	1160
66-489	A	1144

SECTION	REPEAL OR AMEND	BILL
66-489	A	1160
66-490	A	1160
66-491	A	1160
66-492	A	1160
66-493	A	1160
66-495	R	1160
66-496	A	1160
66-497	R	1160
66-4,100	A	1066
66-4,100	A	1197
66-4,104	A	1160
66-4,105	A	1144
66-4,105	A	1160
66-4,106	A	1160
66-4,107	A	1160
66-4,108	A	1160
66-4,109	A	1160
66-4,110	A	1160
66-4,111	A	1160
66-4,112	A	1160
66-4,113	A	1160
66-4,119	A	762
66-4,122	A	1160
66-4,131	A	1160
66-4,132	A	1160
66-4,140	A	1160
66-4,141	A	1160
66-4,142	A	885
66-4,142	A	1160
66-4,142	A	1233
66-4,143	A	1160
66-4,144	A	885
66-4,144	A	1160
66-4,144	A	1233
66-4,145	A	1160
66-4,146	A	1160
66-4,147	A	1160
66-501	A	1160
66-502	A	1160
66-503	A	1160
66-505	A	1160
66-512	A	1160
66-601	R	1160
66-601.01	R	1160
66-602	A	1062
66-602	A	1099
66-602	R	1160
66-605	R	1160
to 66-605.06		
66-605.04	A	613
66-605.07	R	1160
66-606.01	R	1160
66-607	R	1160
66-608	R	1160
66-609	R	1160
66-612	R	1160
66-613	R	1160
66-616	R	1160
to 66-620		
66-629	R	1160
66-632	R	1160
66-633	A	1160
66-633	R	1160
66-634.01	R	1160
66-635	R	1160
66-638	R	1160
66-641	R	1160
to 66-645		
66-646.01	R	1160
66-647	R	1160
66-648	R	1160
66-712	A	1160
66-713	A	1160
66-715	A	1160
66-716	A	1160
66-717	A	1160
66-720	A	1160
66-726	A	1160
66-727	A	1160
66-728	A	762
66-729	A	884
66-731	A	1160
66-733	A	1066
66-733	A	1160
66-734	A	1160
66-735	A	1160
66-736	A	1160
66-737	A	1160
66-738	A	1160
66-739	A	1066
66-739	A	1160
66-740	A	1160
66-821	A	1079
to 66-824		
66-1004	A	941
66-1009	A	941
66-1216	A	1160
66-1330	A	984
66-1330	A	1229
66-1330	A	1283
66-1334	A	1066
66-1344	A	1284
66-1345	A	984
66-1345	A	1066
66-1345	A	1160
66-1345	A	1229
66-1345	A	1283
66-1414	A	1066
66-1414	A	1160
66-1501	A	1160
66-1503	A	1160
66-1505	R	1160
66-1510	A	1160
66-1518	A	896
66-1518	A	1122
66-1519	A	1066
66-1521	A	1066
66-1521	A	1160
66-1525	A	1122
67-248.02	A	884
67-248.02	A	1042
67-251	A	884
67-293	A	1004
67-293	A	1066
68-104	A	827
68-126	A	827
68-133	A	827
68-139	A	827
68-612	A	1066
68-613	A	1066
68-703	A	1203
68-1019	A	1285
68-1020	A	827

SECTION	REPEAL OR AMEND	BILL
68-1020	A	1264
68-1021	A	1285
68-1026	A	827
68-1206	A	909
68-1604	A	1066
69-1301	A	1235
69-1305	A	1048
69-1307.01	R	1235
69-1308	A	1235
69-1310	A	1048
69-1310	A	1235
69-1315	A	1235
69-1316	A	1048
69-1317	A	827
69-1317	A	1048
69-1317	A	1049
69-1317	A	1066
69-1329	A	1048
69-1901 to 69-1904	A	433
69-1901 to 69-1904	R	495
69-2303	A	1298
69-2404	A	1011
70-504	A	577
70-604.03	A	76
70-604.03	A	428
70-604.04	A	76
70-604.04	A	428
70-604.08	A	76
70-604.08	A	428
70-605	A	76
70-605	A	428
70-606	A	76
70-606	A	428
70-610	A	76
70-610	A	428
70-611	A	76
70-611	A	428
70-614	R	76
70-614	R	428
70-615	A	76
70-615	A	428
70-619	A	76
70-619	A	428
70-624	A	605
70-624.04	A	76
70-624.04	A	428
70-625	A	915
70-627.01	R	1358
70-655	A	1240
70-667	A	1187
70-1001	A	574
70-1001	A	1358
70-1002.03	A	1240
70-1020	A	1066
70-1020	A	1128
70-1025	A	1128
70-1026	A	1128
71-101	A	338
71-101	A	496
71-101	A	900
71-101	A	1137
71-101	A	1149
71-101	A	1223
71-101	A	1296
71-102	A	338
71-102	A	1149
71-102	A	1296
71-103	A	1078
71-104	A	1078
71-105	A	1078
71-106	A	1078
71-107	A	338
71-107	A	1078
71-107	A	1149
71-107	A	1296
71-108	A	1078
71-110	A	338
71-110	A	1078
71-110	A	1223
71-110	A	1296
71-111	A	1078
71-112	A	338
71-112	A	1296
71-113	A	338
71-113	A	1223
71-113	A	1296
71-114	A	1078
71-114	A	1149
71-114	A	1296
71-116	A	1078
71-116	A	1223
71-116	A	1296
71-118	A	1078
71-131	A	338
71-131	A	1078
71-131	A	1149
71-139	A	1078
71-139.02	A	1137
71-139.02	A	1296
71-145	A	1078
71-147	A	338
71-147	A	837
71-147	A	1078
71-147	A	1223
71-147.02	A	1078
71-148	A	338
71-148	A	837
71-148	A	1078
71-148	A	1210
71-149	A	1078
71-150	A	1078
71-150	A	1223
71-151	A	762
71-151	A	1078
71-152	A	1078
71-154	A	1078
71-155	A	1078
71-155	A	1223
71-156	A	1078
71-157	A	1078
71-161.02	A	1078
71-161.03	A	1223
71-161.04	A	1078
71-161.05	A	1078
71-161.06	A	1078
71-161.07	A	1078
71-161.09	A	1078
71-161.10	A	1078
71-161.14	A	1078
71-161.15	A	1078
71-161.17	A	1078
71-162	A	338

SECTION	REPEAL OR AMEND	BILL
71-162	A	827
71-162	A	1078
71-162	A	1149
71-162	A	1223
71-162	A	1296
71-163	A	1078
71-164	A	1078
71-166	A	1078
71-168	A	1078
71-168	A	1223
71-168.01	A	1223
71-170	A	1078
71-171	A	762
71-171.01	A	1078
71-171.02	A	1078
71-172	A	1078
71-172.01	A	1223
71-172.02	A	1066
71-1,103	A	1137
71-1,104	A	1078
71-1,104	A	1223
71-1,107.30	A	827
71-1,132.07	A	1223
71-1,132.08	A	1223
71-1,132.11	A	1200
71-1,132.14	A	1078
71-1,132.16	A	1078
71-1,132.18	A	827
71-1,132.20	A	1223
71-1,132.29	A	1078
71-1,132.29	A	1223
71-1,132.36	A	762
71-1,132.47	A	522
71-1,132.49	A	1078
71-1,132.49	A	1223
71-1,142	A	496
71-1,142	A	900
71-1,143	A	900
71-1,143	A	1200
71-1,147	A	496
71-1,147	A	900
71-1,147.01	A	1200
71-1,147.02	A	1066
71-1,147.09	A	496
71-1,147.10	A	496
71-1,147.10	A	900
71-1,147.10	A	1223
71-1,147.11	A	762
71-1,147.13	A	496
71-1,147.13	A	900
71-1,147.33	A	496
71-1,147.33	A	900
71-1,147.34	A	1078
71-1,147.36	A	900
71-1,198	A	1223
71-1,199	A	1223
71-1,200	A	1223
71-1,202	A	1223
71-1,204	A	1223
71-1,206	R	1137
71-1,207	R	1137
71-1,208	A	1137
71-1,209	A	1137
71-1,210	A	1137
71-1,211 to 71-1,214	R	1137
71-1,218	R	1137
71-1,219	R	1137
71-1,220	A	762
71-1,220	A	1137
71-1,221 to 71-1,226	R	1137
71-1,234	A	1078
71-1,285	A	1149
71-1,286	A	1149
71-1,288	A	1149
71-1,291	R	1149
71-1,292 to 71-1,294	A	1149
71-1,293	A	853
71-1,305	A	1137
71-1,307	A	1137
71-1,310	A	1078
71-1,310	A	1137
71-1,311	A	1078
71-1,312	A	1078
71-1,312	A	1137
71-1,312	A	1213
71-1,314	A	1078
71-1,314	A	1137
71-1,319	A	1078
71-1,320	A	1078
71-1,321	A	1078
71-1,325	A	1078
71-1,326	A	1078
71-1,328	A	1078
71-1,329	A	1078
71-1,329	A	1137
71-1,330	A	1078
71-1,334	A	1066
71-1,335	A	1078
71-374	A	1223
71-375	A	1223
71-382	A	1223
71-397	A	1223
71-3,166	A	762
71-3,171	A	1223
71-3,173	A	1078
71-501.02	A	819
71-502.04	A	819
71-503.01	A	819
71-506	A	762
71-506	A	819
71-507	A	1210
71-524	A	762
71-526	A	827
71-527 to 71-529	A	1223
71-601	A	886
71-604	A	886
71-605	A	762
71-605.04	A	762
71-606	A	762
71-607	R	886
71-627.02	A	886
71-628	A	886
71-628	A	1224
71-640.01	A	886
71-640.02	A	886
71-644	A	886
71-649	A	886
71-901	A	909
71-901	A	988
71-1001	A	762

SECTION	REPEAL OR AMEND	BILL
71-1331	A	1223
71-1333.01	A	1223
71-1333.02	A	1223
71-1557	A	511
71-1626	A	1110
to 71-1629		
71-1629.01	A	1110
71-1629.02	A	1110
71-1630	A	1110
71-1704	A	1200
71-1705	A	1200
71-1706	A	1200
71-1707	A	1200
71-1711	R	1200
71-1712	R	1200
71-1714	A	1200
71-1715	R	1200
71-1716	A	1200
to 71-1716.02		
71-1716.03	R	1200
71-1716.04	R	1200
71-1717	A	1200
71-1721	A	1200
71-1721.01	R	1200
to 71-1721.05		
71-1721.06	A	1200
71-1721.07	A	1200
71-1722	A	1200
71-1723	A	1200
71-1723.01	A	1200
71-1724	A	1200
71-1724.01	A	1200
71-1725	A	1200
to 71-1726.02		
71-1725	A	1223
71-1728	R	1200
71-1730	A	1200
71-1735	A	1200
71-1753	A	1028
71-1757	A	1223
71-1761	A	1223
71-1782	A	1223
71-1901	A	909
71-1902	A	909
71-1903	A	909
71-1904	A	909
71-1907	A	909
71-1908	A	909
71-1909	A	909
71-1910	A	569
71-1910	A	909
71-1911	A	909
71-1912	A	909
71-1913	A	909
71-1913.01	A	909
71-1913.01	A	1200
71-1913.02	A	909
71-1913.03	A	909
71-1914	A	909
71-1915	A	762
71-1915	A	909
71-1916	A	909
71-1917	A	909
71-2023	A	884
71-2023	A	1223
71-2049	A	827
71-2049	A	1222
71-2060	A	762
71-2062	R	1222
to 71-2066		
71-2067	R	1222
71-2068	R	1222
to 71-2072		
71-2073	R	1222
71-2074	R	1222
71-2077	R	1222
71-2407	A	496
71-2601	A	1089
71-2601	A	1296
71-2618	A	1066
71-2622	A	656
71-2622	A	973
71-3501	A	1115
71-3502	A	1115
71-3503	A	1115
71-3505	A	1115
71-3507	A	1115
71-3508.02	A	72
71-3514	A	762
71-3515.01	A	1115
71-3515.02	A	1115
71-3603	A	762
71-3706	A	1223
71-3707	A	1223
71-3708	A	1066
71-3708	A	1223
71-3710	A	1078
71-3710	A	1223
71-3711	A	1223
71-4306	A	762
71-4307	A	762
71-4621	A	966
71-4625	A	966
71-4628	A	966
71-4632	A	966
71-4633	A	966
71-4634	A	966
71-4708	A	1223
71-4711	A	1223
71-4712	A	1223
71-4715	A	1223
71-5001	A	513
71-5003	A	291
71-5003	A	513
71-5006	A	1213
71-5008	A	291
71-5009	A	513
71-5009	A	1213
71-5010	A	513
71-5013	A	513
71-5014	A	1213
71-5018	A	1213
71-5019	A	1213
71-5020	A	1213
71-5024	A	1213
71-5025	A	1213
71-5032	A	1213
71-5033	A	1213
71-5101	A	1210
71-5102	A	1210
71-5108	A	1065
71-5109	A	1210
71-5113	A	1210
71-5115	A	1210

SECTION	REPEAL OR AMEND	BILL
71-5119	A	1210
71-5120	A	1203
71-5120	A	1210
71-5123	A	762
71-5124	A	1210
71-5125	A	1210
71-5130	A	1210
71-5132	A	1210
71-5134	A	1210
71-5135	A	1210
71-5137	A	1210
71-5139	A	1210
71-5140	A	1210
71-5141	A	1210
71-5145	A	1210
71-5151	A	1210
71-5155	A	1210
71-5165	A	1210
71-5312	A	762
71-5504	A	1223
71-5505	A	1223
71-5517	A	1223
71-5652	A	1223
71-5653	A	1223
71-5659	A	1223
71-5661	A	1223
to 71-5666		
71-5668	A	1223
71-5669	A	1223
71-5674	A	1223
71-5675	A	1066
71-5676	A	1223
71-5677	A	1223
71-5701	A	167
to 71-5703		
71-5701	A	1108
to 71-5704		
71-5707	A	1108
to 71-5709		
71-5709	A	167
71-5710	A	167
71-5710	R	1108
71-5711	R	167
71-5711	R	1108
71-5712	A	1108
71-5713	R	167
71-5713	A	1108
71-5801	A	740
71-5801	A	827
71-5801	R	1325
71-5802	R	1325
71-5803	R	1325
71-5804	A	376
71-5804	A	1212
71-5804	R	1325
to 71-5809.01		
71-5805.01	A	827
71-5809.02	R	1325
71-5810	A	376
71-5810	A	827
71-5810	A	1212
71-5810	R	1325
71-5811	R	1325
71-5812	R	1325
71-5813	R	1325
71-5815	R	1325
to 71-5821.01		
71-5818.03	R	827
71-5821.01	A	827
71-5822	R	1325
71-5823	R	1325
to 71-5826		
71-5825	R	827
71-5826	R	827
71-5828	A	827
71-5828	R	1325
71-5829	R	827
71-5829	R	1325
71-5830	A	827
71-5830	R	1325
71-5830.01	R	1325
71-5831	A	376
71-5831	A	827
71-5831	A	1212
71-5831	R	1325
71-5832	R	1325
71-5832.01	R	827
71-5832.01	R	1325
71-5833	R	1325
to 71-5836.02		
71-5835	A	827
71-5836.01	A	827
71-5837	A	827
71-5837	R	1325
71-5838	R	1325
71-5840	R	1325
71-5841	R	1325
71-5846	R	1325
71-5848	A	827
71-5848	R	1325
71-5848.01	R	1325
71-5849	A	827
71-5849	R	1325
71-5851	R	1325
to 71-5855		
71-5857	R	1325
71-5859	A	827
71-5859	R	1325
to 71-5859.04		
71-5859.01	R	827
to 71-5859.04		
71-5865	A	827
71-5865	R	1325
71-5866	A	827
71-5866	A	1014
71-5866	R	1325
71-5868	R	1325
to 71-5870		
71-6007	A	762
71-6019	A	762
71-6039	A	1078
71-6041	A	1078
71-6054	A	1223
71-6061	A	1223
71-6065	A	1223
71-6111	A	1223
71-6113	A	1223
71-6114	A	1223
71-6221	A	904
71-6301	A	1352
71-6303	A	1352
71-6314	A	1352
71-6407	A	511
71-6801	A	1078

SECTION	REPEAL OR AMEND	BILL
71-6903	A	1334
71-6904	A	1334
71-6908	A	762
71-6909	R	660
71-7001	A	1115
71-7004	A	1115
71-7010	A	827
71-7010	A	1066
71-7012	A	1115
71-7304	A	1210
71-7308	A	1210
71-7317	A	1210
71-7318	A	1203
71-7423	A	1223
71-7425	A	762
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71-7521	A	1066
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72-234	A	914
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72-259	A	923
72-417	A	1007
72-816	A	1066
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72-1237.01	A	1137
72-1243	A	150
72-1269	A	150
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74-201 to 74-204	R	414
74-301 to 74-306	R	414
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74-307	A	414
74-308	A	414
74-308	A	1189
74-323	R	414
74-327	R	414
74-328	R	414
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74-424	A	414
74-424	A	1124
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74-538	R	414
74-539	R	414
74-548	A	414
74-549	A	414
74-550	A	414
74-557 to 74-569	R	414
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74-601 to 74-605	A	414
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74-607	R	414
74-608	A	414
74-609	A	414
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74-610	R	414
74-611	R	414
74-612	R	414
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74-915	A	140
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74-918	A	414
74-919	A	414
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75-104	A	414
75-104	A	970
75-105	A	414
75-106	A	414
75-108	A	414
75-109	A	414
75-109	A	869
75-109	A	870
75-109	A	873
75-109	A	1361
75-110	A	414
75-112	A	414
75-113	A	414
75-116	A	414
75-118	A	414
75-118	A	1032
75-119	A	414
75-121	A	414
75-123	A	414
75-125 to 75-128	A	414
75-128	A	872

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75-132	A	414
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75-134	A	414
75-135	A	414
75-136	A	1032
75-136.01	A	414
75-136.01	A	1032
75-137	A	414
75-138	A	414
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75-140	A	414
75-141	A	414
75-142	A	414
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75-144	A	414
75-145	A	414
75-146	A	414
75-147	R	414
75-148	A	414
75-150	A	414
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75-201	A	414
75-202	R	414
75-303	A	414
75-303	A	873
75-304	A	414
75-304.01	A	414
75-306	A	414
75-308.01	A	414
75-309	A	414
75-309.01	A	414
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75-318	A	414
75-323	R	414
75-324	R	414
75-325	R	414
75-327	R	414
75-329	R	414
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75-348	A	414
75-350	A	414
75-353	A	414
75-363	A	1060
75-364	A	1060
75-367	A	414
75-370	A	414
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75-401	A	414
75-401.01	A	414
75-402	A	414
75-404	R	414
75-405	A	414
75-409	R	414
75-411	A	414
75-412	A	414
75-413	A	414
75-414	A	414
75-415	A	414
75-416	A	414
75-418	A	414
75-421	R	414
75-424	R	414
75-425	R	414
75-427	A	414
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75-431	R	414
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75-501	A	414
75-501	A	1361
75-501.01	R	414
75-502	A	414
75-502	A	1361
75-503	A	414
75-503	A	1361
75-601	R	414
75-602	R	414
75-603	R	414
75-604	A	869
75-605	A	414
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75-606	A	762
75-609	A	869
75-609	A	870
75-609.01	R	869
75-609.01	A	870
75-610	A	869
75-612	R	870
75-613	R	870
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75-713	A	414
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75-720	A	414
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76-703	A	1189
76-706	A	1107
76-715	A	1173
76-717	A	1173
76-718	A	1173
76-719	A	1173
76-720	A	1173
76-723	A	1173
76-1005	A	738
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76-1018	A	1302
76-1440	A	888
76-1442	A	888
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76-2207	A	1107
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76-2211	R	1107
76-2212	A	1107
76-2217.01	A	1107
76-2217.02	R	1107
76-2218	A	1107
76-2220	A	1107
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76-2226	A	1066
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76-2232 to 76-2242	A	1107
76-2246	A	1107
76-2247.01	A	1107
76-2249	A	1107
76-2250	A	1107
77-118	A	961
77-201	A	1154
77-202	A	290
77-202	A	959
77-202	A	960
77-202	A	961
77-202	A	1154
77-202	A	1159
77-202	A	1280
77-202.01	A	1233
77-202.02	A	1233
77-202.03	A	1233
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77-202.04 to 77-202.07	A	1233
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77-202.25	A	885
77-202.25	A	1233
77-207	A	1020
77-366	A	1233
77-367	A	1233
77-368	A	1233
77-370	A	1233
77-370.01	A	76
77-370.01	A	428
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77-381	A	1160
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77-3,113	A	1066
77-3,113 to 77-3,116	A	1233
77-415	A	1233
77-416	A	1233
77-418	A	1233
77-419	A	1233
77-420	A	1233
77-421	A	1233
77-425	A	1233
77-428	A	1233
77-501	R	885
77-501	A	1233
77-502	R	885
77-502	A	1233
77-503	R	885
77-503	A	1233
77-505	R	885
77-505	R	1233
77-506	R	885
77-506	R	1233
77-507.01	R	885
77-507.01	A	902
77-507.01	A	1233
77-508	R	885
77-508	A	1233
77-508.01	R	885
77-508.01	R	1233
77-509	R	885
77-509	A	1233
77-509.01	R	885
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77-510	R	1233
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77-682	A	1233
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77-1234	A	885
77-1234	A	1233
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77-1247	A	1233
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77-1249.01	A	1233
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77-1342	A	1233
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77-1360.01	A	1233
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77-1364	A	1088
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77-1504	A	902
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77-1506.02	A	1233
77-1507	A	885
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77-1514	A	885
77-1514	A	902
77-1514	A	1233
77-1515	A	885
77-1515	A	1233
77-1601	A	722
77-1601	A	729
77-1601	A	827
77-1601	A	1227
77-1602	A	885
77-1602	A	1233
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77-1719.04	A	890
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77-1764	A	885
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77-1769	A	885
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77-3507	A	924
77-3507	A	1362
77-3508	A	910
77-3508	A	924
77-3508	A	1233
77-3508	A	1362
77-3509	A	910
77-3509	A	924
77-3510	A	910
77-3510	A	1233
77-3511	A	910
77-3512	A	924
77-3513	A	910
77-3513	A	924
77-3513	A	1233
77-3514	A	910
77-3514	A	924
77-3514	A	1233
77-3516	A	924
77-3516	A	1233
77-3517	A	1233
77-3519	A	885
77-3520	A	1233
77-3521	A	910
77-3521	A	1233
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77-3523	A	1233
77-3524	A	1233
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79-206	A	569
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79-323	A	76
79-323	A	428
79-324	A	76
79-324	A	428
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79-444	A	569
79-444	A	909
79-444.01	A	528
79-444.01	A	1232
79-445	A	858
79-445	A	1037
79-445	A	1312
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79-447	A	320
79-448	A	320
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79-601.01	A	76
79-601.01	A	428
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79-1003	A	76
79-1003	A	96
79-1003	A	428
79-1003.03	R	76
79-1003.03	R	428
79-1051.06	R	1066
79-1103	A	76
79-1103	A	96
79-1103	A	428
79-1109	A	76
79-1109	A	428
79-1233	A	586
79-1247.03	A	586
79-1247.05	A	586
79-1247.06	A	586
79-1247.06	A	1310
79-1247.07	A	99
79-1247.07	A	1066
79-1248	A	1310
79-1254.02	A	715
79-1254.09	A	715
79-1281	A	99
79-1281.01	A	99
79-1282	A	99
to 79-1285		
79-1286	A	99
79-1302	A	858
79-1303	A	858
79-1303	A	1336
79-1415	A	100
79-1415	A	569
79-1421	A	679
79-1422	A	679
79-1423	A	679
79-1429	A	679
79-1430	A	679
to 79-1434		
79-1446	A	787
to 79-1454		
79-1448	A	1123
79-1457	R	787
79-1501	A	833
79-1501.01	A	366
79-1501.01	A	833
79-1508	A	1339
79-1512	A	1339
79-1514.05	A	366
79-1514.07	R	1306
to 79-1514.09		
79-1522	A	1036
79-1522.01	A	1339
79-1522.03	R	833
79-1528	A	833
79-1528	A	1339
79-1531	A	833
79-1531	A	1339
79-1533	A	1306
79-1540	A	1339
79-1545	A	1066
79-1545	A	1339
79-1545.01	R	1339
79-1545.02	A	1339
79-1546	A	1339
79-1548	R	1339
79-1549	R	1339
79-1550	R	1339
79-1551	A	1306
79-1556	A	1066
79-1566	A	1339
79-1701	A	1314
79-2011	A	100
79-2011	A	569
79-2102	A	854
79-2202.01	R	76
79-2202.01	R	428
79-2203	A	76
79-2203	A	428
79-2208	A	1310
79-2210	A	722
79-2210	A	875
79-2225	A	1138
79-2225	A	1247
79-2316	R	858
79-2636	A	715
79-2637	A	715
79-2644	A	715
79-2646	A	76
79-2646	A	428
79-2646.01	R	76
79-2646.01	R	428
79-2647	A	76
79-2647	A	428
79-2648	A	715
79-2649	A	715
79-2650.09	A	715
79-2665	R	76
79-2665	R	428
79-2801	A	349
79-2812	A	349
79-2822	A	349
79-2842	A	349
to 79-2845		
79-2857	A	762
79-2859	A	1066
79-3301	A	392
79-3322	A	909
79-3332	A	320
79-3333	A	858
79-3336	R	858
79-3349	A	1146
79-3369	A	999
79-3401	A	930
79-3407	A	930
79-3501	A	1184
79-3504	A	1066
79-3504	A	1184
79-3505	A	1206
79-3509	A	1251
79-3509.03	R	1184
79-3509.03	R	1208
79-3701	A	909
79-3702	A	909
79-3703	A	909
79-3801	A	755
79-3801	A	1217
79-3801	A	1234
79-3802	A	1251
79-3803	A	755
79-3803	A	909
79-3803	A	1217
79-3804	A	1217
79-3804	A	1251
79-3805	A	94
79-3805	A	989

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79-3805	A	1249
79-3805	A	1269
79-3806	A	1217
79-3806	A	1234
79-3806	A	1336
79-3809	A	1290
79-3812	A	1066
79-3812	A	1184
79-3812	A	1208
79-3812	A	1217
79-3813	A	755
79-3813	A	1217
79-3813	A	1310
79-3815	A	1007
79-3816	A	1251
79-3819	A	885
79-3819	A	1233
79-3819	A	1247
79-3820	A	76
79-3820	A	428
79-3822	A	1251
80-301	A	1066
80-301	A	1195
80-301.01	R	1195
80-301.02	A	1195
80-401.01	A	241
80-901	A	281
81-101	A	438
81-102	A	438
81-145	A	322
81-153	A	322
81-154	A	322
81-159	A	322
81-161	A	322
81-161.03	A	322
81-161.05	A	322
81-162	A	322
81-179	A	1066
81-179	A	1356
81-1,108	A	874
81-1,110	A	603
81-1,110.01 to 81-1,110.07	A	874
81-1,110.13	A	874
81-1,110.15 to 81-8,115	A	874
81-1,135	A	1357
81-201.04	A	1066
81-2,147.07	A	762
81-2,147.09	A	762
81-2,157	A	762
81-2,162.16	A	762
81-2,162.19	A	762
81-2,165 to 81-2,171	A	1071
81-2,172	A	1071
81-2,173	A	1071
81-2,174	A	1071
81-2,176	A	1071
81-2,177.01	A	1071
81-2,179	A	762
81-2,179	A	1071
81-2,239	A	1230
81-2,240	A	1230
81-2,253	A	1230
81-2,289	A	762
81-2,290	A	762
81-2,291	A	1066
81-501.01	A	679
81-502	A	679
81-502	A	909
81-502.04	A	762
81-503	A	679
81-505	A	679
81-508	A	762
81-509	A	679
81-511	A	679
81-512	A	679
81-520.01	A	408
81-520.02	A	408
81-522	A	679
81-525	A	679
81-526	A	762
81-528	A	679
81-528	A	1066
81-529	A	679
81-538	A	679
81-551	A	679
81-5,117	A	762
81-5,141	A	762
81-604.02	A	1078
81-638	A	167
81-801	A	737
81-801.01	A	737
81-805	A	708
81-805	A	1066
81-805	A	1124
81-814.01	A	975
81-815.57	A	1300
81-815.59	A	1066
81-815.60	A	1124
81-829.31	A	1203
81-829.36 to 81-829.42	A	1203
81-829.43	A	1203
81-829.44	R	1203
81-829.45	A	1203
81-829.46	A	1203
81-829.47 to 81-829.55	A	1203
81-829.57 to 81-829.62	A	1203
81-829.63	R	1203
81-829.64	A	1203
81-829.65	A	1203
81-829.69	A	1203
81-829.70	A	1203
81-829.72	A	1203
81-829.73	A	1203
81-829.74	R	1203
81-885.21	A	1162
81-8,109	A	874
81-8,110.09	R	874
81-8,110.10	R	874
81-8,116	R	874
81-8,117	A	874
81-8,118	A	874
81-8,119.01 to 81-8,121	A	874
81-8,122.02 to 81-8,125	A	874
81-8,127	A	884
81-8,213	R	262
81-8,214	A	262

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81-8,215.01	A	82
81-8,227	R	262
81-8,235	A	887
81-8,239.02	A	1211
81-8,239.03	A	1211
81-8,239.04	A	1211
81-8,239.05	A	890
81-8,245	A	249
81-1108.15	A	1145
81-1108.16	A	1145
81-1108.41	A	1145
81-1108.43	A	1145
81-1110.02	A	1066
81-1111	A	1097
81-1118	A	322
81-1118.03	A	322
81-1120.17	A	1203
81-1120.21	R	948
81-1120.23	A	1066
81-1120.25	A	1203
81-1120.38	A	1066
81-1188	A	1066
81-1201.01	A	1199
81-1201.10	A	1066
81-1201.21	A	1066
81-1278	A	1066
81-1287	A	1066
81-1318.01	A	249
81-1325	A	639
81-1348	A	249
81-1350	A	249
81-1354.02	A	1066
81-1355	A	395
81-1356	A	395
81-1403	A	971
81-1404	A	971
81-1406	A	971
81-1407	A	971
81-1410	A	971
81-1411	A	971
81-1412	R	971
81-1413	A	971
81-1414	A	971
81-1417	A	762
81-1417	A	971
81-1418	A	971
81-1419	A	971
81-1422	A	971
81-1423	A	971
81-1423	A	993
81-1423	A	1215
81-1427	R	971
81-1429.01	A	762
81-1429.01	A	1066
81-1439	A	971
81-1501	A	570
81-1502	A	1207
81-1503	A	1288
81-1504	A	570
81-1504	A	762
81-1505	A	524
81-1505	A	570
81-1505	A	1031
81-1505.01	A	1066
81-1505.04	A	1204
81-1506	A	570
81-1508	A	570
81-1508	A	762
81-1531.02	A	762
81-1532	A	570
81-1558	A	1066
81-1561	A	1066
81-1566.01	A	1066
81-1578	A	149
81-1578	A	391
81-15,101.01	A	1066
81-15,102	A	72
81-15,102	A	148
81-15,102	A	1271
81-15,102.01	A	1272
81-15,104	A	1066
81-15,109	A	762
81-15,112	A	762
81-15,112.01	A	391
81-15,113.01	A	1066
81-15,113.01	A	1131
81-15,120	A	1066
81-15,121	A	1066
81-15,124	A	144
81-15,150	A	1139
81-15,151	A	1066
81-15,152	A	1139
81-15,153	A	1139
81-15,155	A	1139
81-15,158	A	1139
81-15,160	A	1034
81-15,160	A	1066
81-15,161	A	986
81-15,161	A	1034
81-15,161	A	1288
81-15,162	A	1034
81-15,164	A	1034
81-15,165	A	1034
81-15,165	A	1066
81-15,174	A	1066
81-15,176	A	985
81-15,177	A	1022
81-15,177	A	1066
81-15,178	A	1022
81-1607.01	A	1066
81-1632	A	76
81-1632	A	428
81-1632	A	482
81-1633	A	482
81-1826	A	988
81-1835	A	32
81-1835	A	619
81-1844	A	619
81-1848	A	762
81-1849	A	762
81-1850	A	762
81-2004	A	1351
81-2004.02	A	424
81-2004.05	A	1066
81-2005	A	28
81-2009	A	762
81-2014	A	833
81-2015	A	833
81-2017 to 81-2019	A	833
81-2017	A	1287
81-2017	A	1339
81-2021	A	833
81-2022	A	1066

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81-2025	A	639
81-2025	A	833
81-2025	A	1306
81-2026	A	639
81-2026	A	833
81-2026	A	1238
81-2026	A	1306
81-2031	A	833
81-2031	A	1306
81-2032	A	833
81-2033	A	639
81-2102	A	1297
81-2108	A	1297
81-2112.02	R	1297
81-2117.02	A	1297
81-2118	A	1297
81-2119	A	1297
81-2126	A	762
81-2141	A	1297
81-2260	A	762
82-101	A	1236
82-108.01	R	1236
83-101.01	A	438
83-101.02	A	438
83-101.03	A	438
83-101.04	A	438
83-107.01	A	438
83-108	A	438
83-108.04	A	438
83-109	A	438
83-114	A	438
83-116	A	438
83-129	A	1195
83-150	A	1066
83-158.01	A	1213
83-159	A	1213
83-160	A	438
83-160	A	1213
83-163	A	1213
83-164	A	1213
83-165	A	1213
83-167 to 83-169	A	1213
83-178	A	1326
83-179	A	1326
83-183	A	32
83-183	A	503
83-183	A	889
83-183.01	R	32
83-183.01	A	276
83-188	A	677
83-189	A	969
83-190	A	968
83-192	A	677
83-1,100	A	677
83-1,102	A	277
83-1,103	A	277
83-1,104	R	277
83-1,107	A	1224
83-1,107	A	1351
83-1,108	A	1224
83-1,110	A	1351
83-1,111	A	1024
83-1,113	A	677
83-1,116	A	277
83-1,116	A	1351
83-1,118	A	783
83-1,122	A	1351
83-1,123	A	1351
83-1,126	A	783
83-1,126.01	A	783
83-1,127	A	677
83-1,129	A	783
83-1,130	A	783
83-1,132	R	651
83-1,135	A	677
83-1,135	A	1326
83-1,147	A	438
83-1,148	A	438
83-364	A	988
83-375	A	762
83-380.01	A	498
83-383	A	762
83-465	A	436
83-465	A	988
83-465	R	1351
83-467	A	988
83-468	A	849
83-469	A	436
83-469	A	988
83-470	A	988
83-470	A	1351
83-471	A	1173
83-472	A	988
83-472	A	1351
83-473	A	988
83-473.01	A	1351
83-487	A	988
83-4,101	A	988
83-4,104	A	988
83-4,114.01	A	1351
83-4,124	A	925
83-4,125	A	461
83-4,140	A	988
83-4,140	A	1330
83-4,141	A	988
83-904	R	438
83-905	R	600
83-911.01	A	988
83-913.01	A	1066
83-922	A	988
83-925 to 83-928	R	988
83-929	R	988
83-930	R	988
83-1002	A	498
83-1003	A	762
83-1008	A	1334
83-1010	A	1137
83-1011	A	28
83-1017	A	498
83-1018	A	498
83-1021	A	762
83-1022	A	762
83-1023	A	762
83-1024	A	762
83-1026	A	762
83-1027	A	762
83-1028	A	762
83-1029	A	762
83-1036	A	762
83-1040	A	1137
83-1041	A	337
83-1043	A	762

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83-1044	A	762
83-1045	A	762
83-1046	A	498
83-1049 to 83-1052	A	1334
83-1052	A	1137
83-1053	A	762
83-1068	A	762
83-1078	A	498
83-1079	A	762
83-1080	A	762
83-1216	A	787
83-1216	A	1136
83-1227	A	438
83-1328	A	639
84-101.01	A	970
84-135	A	1066
84-140.01	A	1361
84-201.01	A	970
84-202	A	687
84-204	A	762
84-205	A	687
84-205	A	762
84-212	A	890
84-304	A	997
84-304	A	1080
84-617	A	1066
84-712	A	401
84-712.05	A	312
84-712.05	A	943
84-712.05	A	1224
84-721	A	970
84-901	A	185
84-901	A	446
84-905.01	A	446
84-905.01	A	1100
84-906	A	446
84-907	A	446
84-909	A	446
84-909	A	1043
84-910	R	446
84-911	A	1043
84-912	R	446
84-914	A	185
84-914	A	446
84-917	A	885
84-920	A	446
84-920	A	885
84-920	A	1043
84-1213.01	A	762
84-1301	A	699
84-1301	A	1068
84-1308	A	1338
84-1309.01	A	699
84-1310	A	699
84-1310.01	A	459
84-1310.01	A	699
84-1310.01	A	833
84-1311	A	459
84-1311	A	699
84-1311	A	833
84-1311	A	1047
84-1312	R	833
84-1319	A	1306
84-1320	A	833
84-1321	A	1306
84-1323	A	1306
84-1325	A	833
84-1331	A	699
84-1331	A	833
84-1331	A	1047
84-1409	A	1325
84-1410	A	621
84-1414	A	621
84-1414	A	762
84-1501	A	296
84-1503	A	833
84-1504 to 84-1506	A	460
84-1509	A	460
84-1510	A	460
84-1511	A	1268
84-1613	A	1066
85-103	A	76
85-103	A	428
85-105	A	1299
85-106	A	1066
85-106.05	A	381
85-122	A	1066
85-123	A	923
85-133	A	1299
85-180.14	A	683
85-1,128	A	1066
85-317	A	923
85-401	A	683
85-402	A	683
85-403	A	683
85-403	A	1066
85-404	A	683
85-408	A	683
85-501	A	881
85-927	A	263
85-931	A	683
85-931	A	954
85-937	A	683
85-937	A	954
85-952	A	263
85-960.01	A	1253
85-962	A	263
85-962	A	1253
85-963	A	1063
85-964	A	263
85-980.01	A	324
85-982	A	324
85-985	A	324
85-987	A	324
85-991	A	324
85-993	A	324
85-993.01	A	324
85-994	A	324
85-995	A	324
85-998	R	324
85-999	A	324
85-9,101	A	324
85-9,117	A	324
85-9,119	A	324
85-9,121	A	324
85-9,123	A	324
85-9,125	R	324
85-9,130	A	324
85-9,131	A	324
85-9,140	A	324
85-9,142	A	324
85-9,143	A	324

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85-9,145	A	987
85-9,146	A	324
85-9,148	A	324
85-9,149	A	324
85-9,151 to 85-9,153	A	324
85-9,156	R	324
85-9,158	A	324
85-9,160	A	324
85-1402	A	683
85-1412	A	954
85-1413	A	1063
85-1414	A	683
85-1414	A	954
85-1414	A	1063
85-1415	A	683
85-1416	A	1063
85-1417	R	683
85-1417	A	1063
85-1418	A	683
85-1419	A	1066
85-1420	A	1066
85-1503	A	1253
85-1507	A	1046
85-1536	A	1253
85-1540	A	1066
86-104	A	762
86-329	A	1150
86-331	A	1150
86-701	A	762
86-702	A	1203
86-703	A	762
86-705	A	762
86-706	A	762
86-708	A	762
86-709	A	762
86-710	A	762
86-711	A	762
86-801	A	869
86-801	A	870
86-802	A	869
86-802	A	870
86-803	A	869
86-803	A	870
86-804	A	869
86-805	A	869
86-808	R	869
86-808	R	870
86-808	A	1260
86-809	A	869
86-811	A	869
86-1003	A	1044
86-1003	A	1259
86-1007	A	1044
86-1304	A	1066
87-301	A	762
87-302	A	275
87-303.08	A	275
87-303.11	A	275
87-307 to 87-312	R	275
87-411	A	1160
88-543	A	884
88-545	A	762
88-545	A	884
89-186	A	933
89-188	A	933
89-196.01	A	762
89-198	A	762
89-1,100	A	762
89-1,100	A	1066
89-1,104.01	A	1066

1971 Legislative Bills Amended or Repealed
(First Session)

LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL
LB1075	1	A	1034

1981 Legislative Bills Amended or Repealed
(First Session)

LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL
LB480	6	A	81
LB480	5	A	81

1990 Legislative Bills Amended or Repealed
(Second Session)

LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL
LB1078	32	R	551

1991 Legislative Bills Amended or Repealed
(First Session)

LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL
LB542	95	A	843
LB991	20,21	A	847

1992 Legislative Bills Amended or Repealed
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